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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 396 (WHP)

5 JOHN CHAMBERS,

6 Defendant.

Trial

7 -----x
8 New York, N.Y.
9 April 17, 2018
9:00 a.m.

10 Before:

11 HON. WILLIAM H. PAULEY III

12 District Judge
13 and a jury

14
15 APPEARANCES

16 GEOFFREY S. BERMAN
17 Interim United States Attorney for the
18 Southern District of New York
19 ALEX ROSSMILLER
20 PAUL M. MONTELEONI
21 Assistant United States Attorneys

22 GALLET DREYER & BERKEY LLP
23 Attorneys for defendant

24 BY: ROGER LEE STAVIS
25 JARED B. FOLEY
- and -

STEVEN L. BROUNSTEIN

Also Present:

Michael Buscemi, Special Agent FBI
Yolanda Bustillo, Paralegal Specialist USAO

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(Trial resumed)

THE COURT: Good morning. Please be seated.

Yesterday afternoon, at the conclusion of the taking of evidence, defense objected to certain remarks by the government alluding to the role of the NYPD license division's procedures in keeping New Yorkers safe. On further reflection and a review of the transcript, this Court overrules defendant's objection.

In a case about gun licensing matters, questions of safety are unavoidable. The remarks in question were not so prominent as to inject collateral issues into this case, nor were they so inflammatory or egregious in content as to unfairly prejudice the jury, a point underscored by counsel's failure to contemporaneously object. *Cf. United States v. Modica*, 663 F.2d 1173 at 1180 to 1181 (2d Cir. 1981). There, the Second Circuit explained that a prosecutor should not use arguments calculated to inflame the passions or prejudices of the jury, and a prosecutor's remarks are improper when their only conceivable purpose was to prejudice the jury.

This Court explicitly instructed the jury that statements by counsel, including opening statements, are not evidence. That instruction will be repeated in the final charge to the jury. This Court is confident that the jury will follow these instructions and decide the case solely on the evidence. *See United States v. Reyes*, 18 F.3d 65, 71-72 (2d

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1 Cir. 1994).

2 Now, with respect to the government's motion *in limine*
3 to admit two email chains, Government Exhibits 408 and 430,
4 does the defense wish to be heard further with respect to that
5 application by the government?

6 MR. STAVIS: Your Honor, very briefly.

7 There are many, many emails, scores and scores of
8 them. We narrowed down the areas of difference between the
9 government and defense, and we're left with these two, both of
10 which are from an attorney to an attorney concerning referral
11 fees. Under Rule 403, we already have enough emails. We
12 already have enough emails showing intent. We already have
13 enough of that, without confusing the jury and adding more on
14 top of it.

15 That was the basis for my Rule 403 objection.

16 THE COURT: Anything further from the government?

17 MR. MONTELEONI: Your Honor, we do certainly agree
18 that we intend to be presenting significant evidence. However,
19 these are the two emails that are of this character. There are
20 various other types of evidence of the defendant's intent, but
21 these are the emails where he is soliciting directly from
22 outside parties business on the basis of representations about
23 his practice, so we certainly don't think they're cumulative on
24 that point.

25 THE COURT: With respect to the government's

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1 application to introduce Government Exhibits 408 and 430, the
2 government seeks to offer them as bearing on his intent and
3 motive to commit bribery. The defense objects on the basis
4 that the emails are at most puffery related to Mr. Chambers's
5 legal practice, and separately, their introduction would
6 unfairly prejudice Mr. Chambers by suggesting that he engaged
7 in an ethical violation related to lawyer referral fees.

8 Having reviewed these two email chains, this Court
9 concludes that they are admissible because they're probative as
10 to the conduct charged in the case. While the defense proffers
11 an alternative interpretation, such an argument's really
12 directed to the weight of the email chains as opposed to their
13 admissibility. *See United States v. Prevazon Holdings Ltd.*,
14 319 F.R.D. 459 at 463 n. 2 (S.D.N.Y. 2017).

15 This Court does not find that whatever prejudice
16 Mr. Chambers may suffer from the emails substantially outweighs
17 their probative value under Rule 403. He's not on trial for
18 any ethics violations, nor does this Court intend on providing
19 any instructions relating to ethics. The risk that the jury
20 would infer some unethical behavior is minimal, and this Court
21 will be certain to police the government's examination.
22 They've already indicated they will not tread into that area,
23 and I'll be here to enforce that assurance from the government.

24 Now, what about the submission from the defense of
25 NYPD license division documents?

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Mr. Stavis.

MR. STAVIS: Yes, your Honor.

All of these documents involve the witness on the stand. They were all signed by him, with his signature. On page 70 of yesterday's trial transcript, beginning at line 4, the witness who is on the stand, Inspector Barreto, was asked: "Q. What happens if a license is not approved?"

He testified:

"A. If it's not approved, the applicant has a right to appeal. They'll do appeal through the mail and they appeal to the director of the license division."

Then on page 84, this witness, Inspector Barreto, testified, beginning at line 4:

"Q. After the final decision has been made on an incident investigation, what happens next?"

"A. If it is a continuation, that means the licensee gets his license back and he is licensed to carry his firearm, whatever the type of license he has. If it is a suspension or revocation, basically he gets a letter with my signature" -- what your Honor has before you -- "basically illustrating the reason why his license is either suspended or revoked."

Now, these particular documents demonstrate the work that Mr. Chambers did at the police license division. It depicts the kinds of issues he worked with, the clients he worked with, his legal work. It separates him from the

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1 expeditors, like the Lichtensteins of the world, which were the
2 subject of the scandal that Inspector Barreto took over from.

3 The statement that the government made yesterday, that
4 it's outside the period of the scope of the indictment, well,
5 your Honor, the entire testimony of Inspector Barreto is
6 outside the scope of the indictment, and on cross-examination,
7 and as a matter of having a constitutional right to present my
8 defense, I believe that something that's specifically referred
9 to in the direct examination of this particular witness, that
10 bears his signature, the defense should be permitted to
11 introduce into evidence.

12 THE COURT: All right. Mr. Rossmiller.

13 MR. ROSSMILLER: Your Honor, a couple things here.

14 The first is that the government's general concern
15 with documents of this type are that they could lead to a juror
16 inference that the document suggests that because Mr. Chambers
17 was doing other work and not paying bribes during that work,
18 that he wouldn't have or couldn't have been paying bribes
19 before. We understand for the first time this morning that
20 these documents are being submitted to show that Mr. Chambers
21 does legal work and is a lawyer, which is fine, except that --
22 which is fine, and it's not a disputed issue in the case.
23 We're just wary of how these documents will come in, what their
24 purpose will be, in part, because the government isn't
25 disputing that Mr. Chambers is a lawyer, that he does this

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1 work.

2 I don't believe the government used the word
3 "expeditor" or "consultant" in its opening. I don't believe
4 those words have come up except perhaps for the witness to
5 generally refer to the scandal previously. We are, in fact,
6 going to call a witness, who not only was represented by
7 Mr. Chambers in connection with gun license processes, but is
8 still currently now being represented by Mr. Chambers, so there
9 simply is no argument from the government that Mr. Chambers
10 isn't a lawyer, that he doesn't do productive things as a
11 lawyer for his clients during the period and now. The
12 government elicited from its very first witness the types of
13 things that a lawyer could and might do in these processes and
14 that, in fact, Mr. Chambers has done those things.

15 To the extent that these documents are being offered
16 to sort of bolster the witness's testimony that Mr. Chambers is
17 involved, I suppose that's fine, but what we want to avoid is a
18 sort of collateral inference that because these processes are
19 occurring without bribes, that others must have too. It's a
20 little bit of a fine line, but that's our concern, your Honor.

21 I should add, your Honor, that there's an additional
22 document we received last night from the defense, which is a
23 portion of a license file that the government produced, again
24 from 2017, that involves a separate individual, separate client
25 of Mr. Chambers, who had a domestic incident that gave rise to

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1 an investigation that was adjudicated by the witness who will
2 be on today, which we think sort of similarly gives rise to
3 these issues, that if that's being offered to show that there
4 was a sort of semi-similar process that came out a different
5 way and so the first one wasn't a problem, we think that's an
6 issue, your Honor.

7 MR. STAVIS: Your Honor, there are scores and scores
8 of license division files that the government is going to be
9 introducing. For the government to state, Well, it's not
10 really an issue, we're entitled on our side to state what an
11 issue is and to prove it the way we want to prove it. We
12 opened on this, your Honor. We opened on his legal work.

13 The government, when they get rolling on their case,
14 is going to show that everything was smoke and mirrors and
15 bribing and glad-handing, and we are going to show the hard
16 work and the successful work of an attorney, which is a
17 different picture than the picture that the government wants to
18 paint before this jury. And for the government to say, Well,
19 we're not contesting it, Of course he's a lawyer, talk is
20 cheap. They're going to prove, or try to prove, what a sleazy
21 lawyer he is, what a corrupt lawyer he is.

22 He's on trial here on a federal indictment, and we
23 have a witness on the stand who signed documents and worked on
24 these cases and referred to it in the page citations that I
25 gave to your Honor.

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1 Now, for Mr. Rossmiller to say, Well, we're concerned
2 that the defense might possibly argue -- possibly argue --
3 that, Hey, he didn't do bribes in these cases, that's not our
4 argument. The concern is not sufficient to preclude the
5 introduction of evidence by defense counsel in a criminal case.
6 The right to present evidence, obviously, your Honor, is of
7 constitutional dimension, and the concerns of the government,
8 which are unfounded, can't trump our right to introduce this
9 evidence.

10 MR. ROSSMILLER: Just very briefly, your Honor.

11 The government hasn't moved to preclude these pieces
12 of evidence. We've simply brought up the issue so that it is
13 teed up should it sort of venture into that realm.

14 Defense counsel has worked productively with the
15 government on issues of exhibits. We have had an open line of
16 communication about this, and we obviously moved with respect
17 to other evidence in connection with our concern about defense
18 propensity evidence. We have similar concerns about this that
19 we haven't moved to preclude because there may, in fact, be
20 appropriate reasons to introduce this evidence, but what would
21 not be appropriate would be to suggest that because
22 Mr. Chambers had other clients with whom there was no bribe or
23 other interactions with the NYPD where there weren't bribes,
24 that wouldn't be appropriate.

25 THE COURT: All right. Look, during Inspector

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1 Barreto's direct examination, the government elicited testimony
2 from him about all his dealings with the licensing division,
3 denials, appeals, his interactions with Mr. Chambers. As I
4 understand it, these are exhibits that the defense proposes to
5 offer on cross-examination of Mr. Barreto. I think it is
6 entirely fair game for the defendant with respect to these
7 documents.

8 I'm going to be watchful about the government's
9 concern about the defense making some larger argument that is
10 being disclaimed now, but I think it's perfectly appropriate,
11 given Inspector Barreto's testimony that he was brought in to
12 clean up the licensing division. He's portrayed as essentially
13 the white knight, and these documents suggest that some of his
14 decisions might have been arbitrary and capricious.

15 MR. ROSSMILLER: Thank you, your Honor.

16 MR. STAVIS: Your Honor, just as a logistical matter,
17 if I have eight sets of these, I have them separately marked,
18 to save time, I would give all seven of them?

19 THE COURT: Absolutely.

20 MR. STAVIS: Yes?

21 THE COURT: That's fine.

22 Are there any other issues that counsel want to raise
23 this morning?

24 MR. ROSSMILLER: No, your Honor.

25 MR. BROUNSTEIN: No, sir.

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1 THE COURT: It's a little warm in here so I'm lowering
2 the temperature a degree. We'll see how that works.

3 MR. BROUNSTEIN: Thank you, Judge.

4 THE COURT: Sometimes air-conditioning -- or heat --
5 is like water in the Colorado River. If you've got it, you
6 don't want to give it up.

7 As soon as the jury is here, we'll bring them out.
8 You can have Inspector Barreto come into the courtroom. He
9 doesn't have to sit up here at the moment, but so that we've
10 got him and we're set to go.

11 MR. ROSSMILLER: He's here, your Honor.

12 THE COURT: I think I saw him pop his head in and then
13 pop out.

14 MR. ROSSMILLER: Thank you, your Honor.

15 THE COURT: We've got nine of the jurors here. We
16 should proceed, hopefully, in a few minutes.

17 (Recess)

18 THE COURT: The jury is all here. You can bring in
19 Inspector Barreto.

20 Also, a reminder to counsel that you should be
21 preparing an exhibit list of exhibits received in evidence,
22 because that's what I send in to the jury, and then await a
23 request from the jurors for a particular exhibit, and we'll
24 need a verdict sheet as well.

25 Bring in the jury.

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Barreto - Cross

1 (Jury present)

2 THE COURT: Everyone may be seated.

3 Good morning, members of the jury. Thank you very
4 much for your punctuality this morning. We all appreciate it.
5 Everybody on trial here is raring to go, so we're going to get
6 right to it.

7 Inspector Barreto, would you step up, sir. Take a
8 seat, please. Do you understand that you continue to be sworn
9 as a witness under oath in this proceeding on trial?

10 THE WITNESS: Yes, I do, sir.

11 THE COURT: Members of the jury, we'll continue with
12 Mr. Stavis's continued cross-examination of Inspector Barreto.

13 MICHAEL BARRETO, resumed.

14 You may proceed, Mr. Stavis.

15 MR. STAVIS: Thank you, your Honor.

16 CROSS-EXAMINATION CONTINUED

17 BY MR. STAVIS:

18 Q. Inspector Barreto, yesterday we left off with you
19 testifying about a scandal in the license division before you
20 arrived there in May of 2016. Do you recall that?

21 A. Yes, sir.

22 Q. Now, the scandal was one month prior to your arrival, in
23 April of 2016, is that correct?

24 A. Yes, sir.

25 Q. And a person named David Villanueva, who was the --

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Barreto - Cross

1 withdrawn.

2 David Villanueva was the sergeant in charge of the incident
3 section at the license department before you took over,
4 correct?

5 A. That's correct, sir.

6 Q. And there was someone named Alex Lichtenstein, also known
7 as "Shaya", and he was an expediter of pistol licenses, is that
8 correct?

9 A. Yes.

10 Q. And both David Villanueva and Alex "Shaya" Lichtenstein,
11 one month prior -- in April, one month prior to you taking
12 over, both men were indicted here in the United States District
13 Court for the Southern District of New York, correct?

14 A. Yes, sir.

15 Q. And that indictment was United States of America v. David
16 Villanueva and Alex Lichtenstein, a/k/a "Shaya," correct?

17 A. Yes, sir.

18 Q. And the scandal was about Alex Lichtenstein, a/k/a "Shaya,"
19 paying money to Sgt. Villanueva of the licensing division to
20 get permits for the people that Alex "Shaya" Lichtenstein
21 represented, correct?

22 A. Yes, sir.

23 Q. Now, you were asked yesterday by Mr. Rossmiller what type
24 of individual might assist someone with a licensing issue or a
25 license with the police department, and you answered at page 66

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Barreto - Cross

1 of the transcript, "an attorney." Do you recall that?

2 A. Yes, sir.

3 Q. There's also something called expeditors, is that correct?

4 A. Yes.

5 Q. And an expeditor is a nonattorney, correct?

6 A. That's correct.

7 Q. And expeditors -- what is your understanding of what
8 expeditors do?

9 A. My understanding is they assist the applicant in processing
10 the application.

11 Q. They don't do Article 78s, do they?

12 A. No.

13 Q. And Article 78 is a lawsuit that's brought by a lawyer
14 against the decision of the NYPD license division, is that
15 correct?

16 A. That's correct, sir.

17 Q. In other words, a lawyer would actually have to draft a
18 complaint, start a whole separate action in the New York
19 Supreme Court, the New York trial court, against the police
20 department; that's what an Article 78 is?

21 A. Yes, sir.

22 Q. And an expeditor can't do that?

23 A. That's correct.

24 Q. And you sometimes in the license division have hearings, is
25 that correct?

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Barreto - Cross

1 A. That's correct, sir.

2 Q. And at the hearings, there would be witnesses and the
3 taking of testimony from these witnesses?

4 A. That's correct, sir.

5 Q. And an expeditor cannot do hearings either, can an
6 expeditor?

7 A. That's correct, sir.

8 Q. And also, once a decision is made and you, the commanding
9 officer of the license division, might make a decision to
10 revoke a license in an incident-type case, there is an appeal
11 process, which you testified about yesterday, is that correct?

12 A. That's correct, sir.

13 Q. OK. Now, getting back to expeditors, are you familiar with
14 the website from the license division?

15 A. Yes.

16 Q. And you, as the commanding officer of the license division,
17 had something to do with the content of the website. Is that
18 fair to say?

19 A. The new part of it. The new part --

20 Q. Yes.

21 A. Yes.

22 Q. I'm showing you what is marked as Defense Exhibit A for
23 purposes of identification. Inspector, I'd ask you to take a
24 look at that, and when you're finished looking at that, look up
25 and I'll have additional questions for you.

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Barreto - Cross

1 Now, Inspector Barreto, does Defense Exhibit A for purposes
2 of identification appear to be the download instructions, the
3 current download instructions for people with the license
4 division of the New York City Police Department?

5 A. That's correct, sir.

6 MR. STAVIS: Your Honor --

7 THE COURT: Counsel, if you'd be kind enough to step
8 back to the podium. Thank you.

9 MR. STAVIS: Your Honor, I would offer what has been
10 previously marked as Defense Exhibit A for purposes of
11 identification into evidence as Defense Exhibit A.

12 THE COURT: Any objection?

13 MR. ROSSMILLER: No objection.

14 THE COURT: Defense Exhibit A is received in evidence,
15 and you may publish it if you wish.

16 (Defendant's Exhibit A received in evidence)

17 MR. STAVIS: If this device wishes, then I will.

18 May I have that back.

19 THE WITNESS: Sure.

20 THE COURT: Lawyers are always permitted to walk and
21 talk at the same time in the courtroom. It saves time.

22 MR. STAVIS: And I know there's no chewing gum, right?

23 THE COURT: That's true.

24 BY MR. STAVIS:

25 Q. Defense Exhibit A now, "As of January 1, 2018, the New York

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Barreto - Cross

1 City Police Department license division will only be accepting
2 online applications for handguns" -- this is the first line
3 there -- "rifle/shotgun permits and renewals. Applications on
4 paper will no longer be accepted." Do you see that?

5 A. Yes, sir.

6 Q. And that was part of what you did, Inspector Barreto, to
7 change --

8 A. That's correct.

9 Q. And this is one of the changes that you effectuated after
10 the Lichtenstein-Villanueva gun permit scandal of 2016?

11 A. That's correct.

12 Q. Now, toward the end of this download for people who are
13 interfacing with the NYPD license division is a section called
14 working with handgun-license consulting firms. Do you see
15 that?

16 A. Yes, sir.

17 Q. Can you please read that to the jury?

18 A. "Consulting companies are not required to be used to apply
19 for New York City handgun license or rifle/shotgun permits.
20 These firms cannot obtain a handgun license or rifle/shotgun
21 permit for you if you do not qualify, nor can they expedite
22 your application. As an applicant, you should be aware that
23 such services are not required or endorsed by the New York City
24 Police Department and that only an attorney licensed by the
25 state of New York can represent you before the license

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Barreto - Cross

1 division. You should also understand that any fees you pay to
2 a consulting firm are in addition to those required by law and
3 collected by the license division. Neither the license
4 division nor the consulting companies can guarantee the
5 issuance of a handgun license or rifle/shotgun permit to any
6 person. Each application is reviewed on its merits and under
7 the qualifying criteria set forth by the law."

8 Q. Thank you. Now, the consulting firms, some of them are
9 also known as expeditors, that's who we're referring to?

10 A. That's correct, sir.

11 Q. Not who we are, but this is who the license division is
12 referring to?

13 A. That's correct, sir.

14 Q. And there's reference and it's blocked in bold letters,
15 "only an attorney licensed by the state of New York can
16 represent you before the license division," correct?

17 A. That's correct.

18 Q. Being an attorney and interacting with the license division
19 is something that the license division does?

20 A. That's correct.

21 Q. There are attorneys for the hearings in the license
22 division, correct?

23 A. That's correct, sir.

24 Q. There are attorneys for appeals in the license division, is
25 that correct?

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Barreto - Cross

1 A. That's correct, sir.

2 Q. There are attorneys if the decision goes the wrong way to
3 commence the actions in state Supreme Court, Article 78?

4 A. That's correct, sir.

5 Q. Now, one of the innovations or let me call them reforms
6 that you instituted, Inspector, when you came in in May of
7 2016, in the wake of the Lichtenstein-Villanueva gun permit
8 scandal is to make sure that expeditors could no longer attend
9 the interview that took place in the license division, correct?

10 A. That's correct.

11 Q. And yesterday, you testified that these interviewers get
12 the information from the applicant, am I correct, either for
13 the issuance of a license to begin with? Correct?

14 A. Yes.

15 Q. Or in an incident issue, where there is a potential
16 revocation, correct?

17 A. That's correct.

18 Q. But the rules still apply, the new rules that you
19 instituted in the wake of the Lichtenstein-Villanueva gun
20 permit scandal, the new rules permit an attorney to attend
21 those interviews still, is that correct?

22 A. That's correct, sir.

23 Q. Now, one of the issues that you tried to address when you
24 took over the license division in the wake of the scandal with
25 David Villanueva and Alex Lichtenstein was that carry permits

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Barreto - Cross

1 had been issued the same day by David Villanueva on behalf of
2 the expeditor Alex "Shaya" Lichtenstein, is that correct?

3 A. Yes.

4 Q. And by David Villanueva, the sergeant in charge of the
5 incident section -- by the way, the incident section is
6 different from the section in the NYPD license division, the
7 incident section where Sgt. Villanueva was, is different from
8 where a carry permit would be issued; it's a different branch
9 of the division, is it not?

10 A. That's correct, sir.

11 Q. OK. So then as part of his scandal, David Villanueva was
12 crossing over into another area of the NYPD license division in
13 order to give Alex "Shaya" Lichtenstein what he wanted?

14 A. That's correct.

15 Q. And what he wanted was carry permits, correct?

16 A. Yes.

17 Q. Among other things?

18 A. That's correct.

19 Q. And carry permits are the most difficult kind of permit, as
20 you've testified yesterday?

21 A. That's correct, sir.

22 Q. Because you could just put it, I think you said, underneath
23 your jacket or sweater?

24 A. You conceal it.

25 Q. And you could go anywhere with it?

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Barreto - Cross

1 A. Within New York State, that's correct.

2 Q. And for money paid by Lichtenstein to David Villanueva,
3 Sgt. David Villanueva, Lichtenstein's clients got these the
4 very same day with no investigation?

5 A. That's correct.

6 Q. And you testified yesterday about the computer system, and
7 there was an old computer system called ALPS?

8 A. That's correct.

9 Q. And one of the problems with ALPS -- by the way, there's a
10 new computer system that you've instituted?

11 A. Yes.

12 Q. And one of the reasons you had to do that when you took
13 over in the wake of the Lichtenstein-Villanueva gun permit
14 scandal was that someone like Villanueva, who was in the
15 incident section, because he was a supervisor, could issue
16 permits, which was in a completely different area, because he
17 could get right into the computer?

18 A. That's correct, sir.

19 Q. Anyone with a supervisor could log into the computer under
20 the ALPS system?

21 A. That's correct.

22 Q. By the way, let's see. ALPS, not like the Swiss ALPS, is
23 the automatic license pistol section. Is that what ALPS stands
24 for?

25 A. According to the actual -- because we still use it to just

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Barreto - Cross

1 to read only, it stands for automatic license permit section.

2 Q. Permit section, OK. So you had to end this, correct?

3 A. Yes.

4 Q. Because it was abused by David Villanueva, correct?

5 A. Well, the reason why, because I wanted to control --
6 everybody had access to issuing licenses, and I just wanted to
7 have one person do it.

8 Q. OK, but you took over after the scandal, correct?

9 A. Yes.

10 Q. And part of the scandal was Villanueva going into the ALPS
11 system because he was a supervisor?

12 A. Yes.

13 Q. You testified yesterday about an appeal process, and you
14 testified that a letter with your signature is the final say
15 before an appeal, which explains to the licensee, the holder of
16 the license, whether they were being continued, meaning allowed
17 to continue the license, whether it was being revoked; yours
18 was the final say before appeal?

19 A. That's correct, sir.

20 Q. I'm showing you a group of determinations by the New York
21 City police license division and decisions on appeals, and
22 they're marked for purposes of identification Defendant's
23 Exhibit B, Defense Exhibit C, Defense Exhibit D, Defense
24 Exhibit E, Defense Exhibit F, and Defense Exhibit G, Defense
25 Exhibit H, Defense Exhibit I.

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Barreto - Cross

1 Please take a look at these records from the police license
2 division. When you finish, please look up and I'll have an
3 additional question for you.

4 A. OK.

5 (Continued on next page)

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Q. Inspector, are Defense Exhibits B through I part of the records of the New York City Police Department License Division?

A. Yes, they are.

Q. Are they matters that you worked on?

A. That's correct.

Q. Were these records prepared in the regular course of business of the New York City Police Department License Division?

A. Yes.

MR. STAVIS: Your Honor, at this time I would offer what has been previously marked for identification as Defense Exhibits B through I into evidence as Defense Exhibits B through I.

THE COURT: Any objection?

MR. ROSSMILLER: No, your Honor.

THE COURT: Defense Exhibits B, C, D, E, F, G, H and I are received in evidence.

(Defendant's Exhibits B through I received in evidence)

THE COURT: And you may publish them as you see fit, Mr. Stavis.

MR. STAVIS: Thank you, your Honor.

BY MR. STAVIS:

1 Q. Okay, now, drawing your attention to Defense Exhibit B in
2 evidence, this is a letter to a Mr. John Adragna in Staten
3 Island about the revocation of his retired law enforcement
4 handgun license. Do you see that?

5 A. Yes, sir.

6 Q. The reason why it was revoked -- oh, by the way, that is
7 your signature on the bottom, Inspector Michael Barreto?

8 A. Yes, sir.

9 Q. The reason why you ordered this revoked is that Mr. Adragna
10 was arrested for assault on February 14th, 2014, correct?

11 A. That's correct, sir.

12 Q. And he was subsequently convicted for disorderly conduct,
13 correct?

14 A. That's correct.

15 Q. And he was the subject of an order of protection which
16 prohibited him from possessing firearms until November 30th,
17 2016, correct?

18 A. That's correct.

19 Q. He also failed to notify the License Division that he was
20 the subject of an order of protection, correct?

21 A. That's correct, sir.

22 Q. And he failed to cooperate with the License Division's
23 investigation, correct?

24 A. That's correct.

25 Q. So it would be fair to say that Mr. Adragna did just about

1 everything wrong that a person could do?

2 MR. ROSSMILLER: Objection, your Honor.

3 THE COURT: Sustained as to form.

4 BY MR. STAVIS:

5 Q. These are a lot of the violations of the rules, these are
6 five separate violations of the known rules that govern having
7 a gun permit or license?

8 A. Yes.

9 Q. Now, this particular matter went up on appeal. Is that
10 correct?

11 A. Yes, sir.

12 Q. And you testified yesterday that when you come to a
13 decision in this case, Government Exhibit B, Mr. Adragna, you
14 come to a decision to revoke, that then there could be an
15 appeal, correct?

16 A. That's correct, sir.

17 Q. An appeal goes to someone called the director -- withdrawn.

18 A. What happens is as it states in the bottom of this letter,
19 they have a right to appeal to the director if they write a
20 letter requesting a hearing.

21 They request a hearing, and then we have two separate
22 hearing officers under the direction of the director, and they
23 have a hearing, they bring witnesses, they could bring an
24 attorney, and the hearing officer hears the case, makes a
25 recommendation, and they make a recommendation to the director

1 of the License Division. I either can concur with their
2 findings or he can make his own decision.

3 Q. In this particular instance, the determination -- by the
4 way, is the director of the License Division an attorney or a
5 police officer?

6 A. He is an attorney.

7 Q. In this particular instance, Jonathan David is the director
8 of the License Division?

9 A. That's correct, sir.

10 Q. And he overruled your revocation. Is that correct?

11 A. Yes.

12 Q. And he made sure that Mr. John Adragna had his license and
13 his firearm returned to him?

14 A. That's correct, sir.

15 Q. The attorney for Mr. Adragna was John Chambers, Esquire.
16 Is that correct?

17 A. That's correct, sir.

18 Q. Moving on to Defense Exhibit Number C, this is another
19 instance with Mr. Anastopoulos, who was applying for a handgun.
20 It wasn't an incident. It was just an application, correct?

21 A. That's correct, sir.

22 Q. That is your signature on the bottom of Defense Exhibit C
23 in evidence, correct?

24 A. Yes, sir.

25 Q. And you disapproved him for that permit, correct?

1 A. That's correct.

2 Q. Because he had a driving while intoxicated arrest and a
3 guilty plea to driving while impaired, correct?

4 A. That's correct, sir.

5 Q. Then as we said, the appeals process with Jonathan David,
6 the director, resulted in his application being approved. Is
7 that correct?

8 A. That's correct.

9 Q. Now, you've testified that one of the grounds to deny a
10 handgun license are domestic violence incidents between
11 individuals, correct?

12 A. That could be a factor, yes.

13 Q. And that is a recurring factor that you see as the
14 commanding officer of the New York City Police Department
15 License Division, correct?

16 A. What do you mean recurring? Can you clarify that?

17 Q. It happens more than once, happens frequently,
18 infrequently?

19 A. Yes.

20 Q. You say frequently?

21 A. Yes.

22 Q. So here Defense Exhibit D is Patrick Conway, also of Staten
23 Island, and that is your signature on the bottom, correct?

24 A. That's correct, sir.

25 Q. And you disapproved the license for him on May 3, 2017,

1 which was about a month into your tenure as the commanding
2 officer of the -- that was '16.

3 A. Yes.

4 Q. More than a year into your tenure?

5 A. That's correct, sir.

6 Q. The circumstances are a prior domestic incident, and again
7 your decision was reversed by Jonathan David, the director, and
8 the license was approved, correct?

9 A. That's correct.

10 Q. Now, Defense Exhibit E is a gentleman named Carmine
11 Belmonte, this is October 28th, 2016, and this was an actual
12 incident case. Is that correct?

13 A. That's correct, sir.

14 Q. And that's your signature on the bottom of defense --

15 A. Yes, it is.

16 Q. -- Exhibit E?

17 A. Yes, sir.

18 Q. And he was arrested for menacing in the second degree with
19 a firearm?

20 A. That's correct.

21 Q. And so you decided that his license should be revoked?

22 A. That's correct.

23 Q. And again this particular person, Carmine Belmonte,
24 appealed, and Jonathan David overruled you, correct?

25 A. That's correct, sir.

1 Q. And so that the license continued, correct?

2 A. That's correct.

3 Q. And the lawyer for Mr. Belmonte was John Chambers, correct?

4 A. That's correct.

5 Q. Now, here's a disapproval of yours for a gentleman --

6 Defense Exhibit F -- Mr. Hanley of the Bronx, and he was an
7 applicant for a pistol license, right, correct?

8 A. That's correct, sir.

9 Q. And you disapproved it because he was arrested for felony
10 criminal possession of a weapon in the second degree, correct?

11 A. That's correct, sir.

12 Q. And he was convicted for that crime as a juvenile offender,
13 correct?

14 A. That's correct, sir.

15 Q. He was also issued some traffic infractions, but you
16 disapproved him, that is your signature on the bottom, in light
17 of his conviction of a felony criminal possession of a weapon
18 in the second degree, correct?

19 A. That's correct, sir.

20 Q. That's one of the most, would it be fair to say that is one
21 of the most important factors in denying someone a license, the
22 conviction for criminal possession of a weapon in the second
23 degree?

24 A. Yes.

25 Q. And then it was overturned on appeal and approved by

1 Jonathan David, the director, correct?

2 A. Yes.

3 Q. And the notice of the approval went to Mr. Hanley's lawyer,
4 it was addressed to Mr. Hanley's lawyer, John Chambers?

5 A. That's correct, sir.

6 Q. Defense Exhibit H is a notice of disapproval of 1-25-17 for
7 Anna Chan, Jamaica, New York, and she was arrested for a
8 felony. Is that correct?

9 A. That's correct, sir.

10 Q. For the felony of promoting gambling, and she was actually
11 convicted but of a misdemeanor, correct?

12 A. That's correct.

13 Q. She applied for a handgun and was disapproved by you as the
14 director, correct?

15 A. (multiple voices)

16 Q. As the commanding officer?

17 A. That's correct, sir.

18 Q. That is Defense Exhibit H, and then there was an appeal
19 that she thought that she should have a license despite her
20 criminal conviction, and she appealed to Jonathan David, the
21 director, and was approved, correct?

22 A. That's correct, sir.

23 Q. And the notice of that approval went not to Ms. Chan, but
24 to her attorney, John Chambers, correct?

25 A. That's correct.

1 Q. You testified yesterday that you were introduced to John
2 Chambers by the prior director of the License Division in May
3 or June of 2016. That was on Page 42 of the transcript. Do
4 you recall that?

5 A. Yes, sir.

6 Q. The prior director was a man by the name of Thomas Prasso,
7 correct?

8 A. That's correct, sir.

9 Q. And he was an attorney?

10 A. Yes.

11 Q. And the director position is a position for an attorney?

12 A. That's correct.

13 Q. And so Thomas Prasso would be like Jonathan David is now,
14 the person that is overturning --

15 A. Correct.

16 Q. -- the commanding officer's decision?

17 A. John David replaced Tom Prasso when he retired in August of
18 2016.

19 Q. Right. And the commanding officer, in the time of -- and
20 when you say the director introduced you to Mr. Chambers, that
21 was Thomas Prasso who introduced you?

22 A. That's correct, sir.

23 Q. And there was also a commanding officer by the name of
24 Michael Endall, correct?

25 A. Yes.

1 Q. And you testified yesterday that Michael Endall, the
2 commanding officer, that you replaced --

3 A. No. I replaced Inspector Moore.

4 Q. Inspector Moore? Okay. So Michael Endall was an
5 inspector?

6 A. Deputy inspector, yes.

7 Q. Right. During his time in the License Division, you
8 testified yesterday, at Page 95 of the transcript, that Deputy
9 Inspector Endall expedited Mr. Chambers' gun matters?

10 MR. ROSSMILLER: Objection, your Honor.

11 THE COURT: Overruled.

12 BY MR. STAVIS:

13 Q. You may answer the question.

14 A. What I testified, looking at the email, it illustrated when
15 there was cases that were what I call creme puffs, he would say
16 easy cases, there was no issues with the applicant, Mr.
17 Chambers would notify Inspector Endall and Inspector Endall
18 would request him to wrap up the case, and he verified, he
19 expressed in the email cases that were four weeks' old.

20 Q. Right. So you were aware that Mr. Chambers had a
21 relationship with Deputy Inspector Endall?

22 A. Yes, Mr. Chambers told me that.

23 Q. Now, you have the rank of inspector, correct?

24 A. Yes, sir.

25 Q. That is a, fair to say, a very, very high rank in the New

1 York City Police Department?

2 A. Yes, sir.

3 Q. The next one below would be a deputy inspector?

4 A. That's correct.

5 Q. And the next one below would be a captain?

6 A. That's correct, sir.

7 Q. The captain is a very high rank in the New York City Police
8 Department also?

9 A. Yes, sir.

10 Q. And then below a captain would be a lieutenant?

11 A. That's correct.

12 Q. And then below a lieutenant would be a sergeant?

13 A. That's correct.

14 Q. So Sergeant Villanueva, at the Incident Section of the
15 License Division, was very much on a lower level than the
16 commanding officer, who would be a deputy inspector?

17 A. That's correct, sir.

18 Q. Now, you testified yesterday that you have spoken either in
19 person or on the telephone to Mr. Chambers something less than
20 10 times, correct?

21 A. That's correct.

22 Q. You testified yesterday that you had email exchanges with
23 Mr. Chambers about 50 times, correct?

24 A. He emailed me about 50 times.

25 Q. And you answered those emails?

1 A. Some of them I did, and the rest of them I would refer them
2 to different people within the License Division that would be
3 assisting him on whatever questions he had.

4 Q. So you would forward his emails?

5 A. That's correct.

6 Q. Of the 50 emails, some you answered and some you forwarded?

7 A. That's correct, sir.

8 Q. But you didn't ignore them, did you?

9 A. No, I don't ignore nobody's email.

10 Q. It was part of your job to either answer those, or you
11 viewed it as part of your job to either answer those emails or
12 forward them?

13 A. That's correct, sir.

14 Q. And you would accommodate Mr. Chambers' request if you were
15 able or if you felt it appropriate?

16 A. Correct.

17 Q. And if you felt it appropriate for another individual at
18 the License Division to accommodate his request, you would
19 forward it to that individual?

20 A. Correct.

21 Q. That was part of your job, correct?

22 A. That's correct.

23 Q. Mr. Chambers was there, or you were aware prior to your
24 changing of policies that Mr. Chambers was at the License
25 Division quite often, correct?

1 A. Yes.

2 Q. And had a lot of cases?

3 A. That's correct, sir.

4 Q. You testified yesterday that he was very professional and
5 polite?

6 A. Yes, sir. To this day, he is.

7 Q. And you have a good relationship with Mr. Chambers,
8 correct?

9 A. I guess, yes, yes.

10 Q. Now, the first meeting, you testified your first meeting
11 with John Chambers in May or June of 2016, when you took over
12 in the wake of the Lichtenstein-Villanueva gun permit scandal,
13 in your first meeting you told him that if he wants, if he has
14 any concerns about cases, that he should tell me he has
15 concerns and just email you, correct?

16 And you viewed that as part of your job?

17 A. That's correct.

18 (Off-the-record discussion)

19 BY MR. STAVIS:

20 Q. I am showing you, Inspector, an email exchange marked
21 Defense Exhibit J for the purposes of identification and ask
22 you to take a look at that.

23 A. Okay. (Pause)

24 Q. Inspector, is that an email exchange that involves John
25 Chambers, someone named Iqbal and yourself?

1 A. That's correct, sir.

2 MR. STAVIS: At this time, I would offer what has been
3 previously marked as Defense Exhibit J for the purposes of
4 identification into evidence as Defense Exhibit J.

5 MR. ROSSMILLER: No objection, your Honor.

6 THE COURT: Defense Exhibit J is received in evidence,
7 and you may publish it.

8 (Defendant's Exhibit J received in evidence)

9 BY MR. STAVIS:

10 Q. Now, this email exchange is dated -- starts off on March
11 10th of 2017, correct?

12 A. That's correct, sir.

13 Q. And you have just testified that after your meeting with
14 Mr. Chambers, you had an open line of email communication,
15 sometimes you forwarded the emails and sometimes you answered
16 them, correct?

17 A. That's correct, sir.

18 Q. And this one, Mr. Chambers is writing to you about his
19 renewals, correct?

20 A. That's correct, sir.

21 Q. He says good afternoon. I have submitted renewal
22 applications on the following individuals, and they take much
23 longer than they have been taking. I have instructed my
24 clients to lock up their registered handguns after their CB or
25 LC license is expired and be patient. Here are the names and

1 dates brought down to HQ. Thank you, thanks very much, hope
2 all is well, John Chambers, correct?

3 A. That's correct, sir.

4 Q. And when you received that email, a short time later you
5 forwarded it to somebody named Assif Iqbal, and Linda Sarapika
6 and Christopher Gonzalez. Who are Iqbal, Sarapika and
7 Gonzalez?

8 A. Iqbal is executive officer of the License Division, Linda
9 Sarapika and Christopher Gonzalez are the supervisors that deal
10 with the renewal application, processing them.

11 Q. You say FYI, so you wanted them to look into the requests
12 that John Chambers was making of you in March 2017, correct?

13 A. That's correct.

14 Q. This is one of the examples where, instead of answering it,
15 you forwarded it to the people who might be able to assist John
16 Chambers with his License Division issues?

17 A. Yes.

18 Q. Then Captain Iqbal gave you the status of each of the
19 individuals that Mr. Chambers had inquired about?

20 A. That's correct.

21 Q. And then you forwarded those answers back to Mr. Chambers?

22 A. That's correct, sir.

23 Q. You testified yesterday, at Page 97, you said obviously he
24 was right about one thing, there was a lot of stale cases. Do
25 you recall that testimony yesterday?

1 A. That's correct, sir.

2 Q. And so you were trying to make the stale -- I was going to
3 say expedite -- you were trying to make the stale cases go in a
4 normal channel, at a normal speed?

5 A. I was inquiring about it, yes.

6 Q. Now, you testified yesterday, at pages 90 and 91 of the
7 record, about that first meeting with Mr. Chambers in May or
8 June of 2016 after you took over the police License Division in
9 the wake of the Lichtenstein-Villanueva gun permit scandal,
10 correct?

11 A. Yes.

12 Q. One of the things that day was Mr. Chambers -- this is your
13 testimony -- told you that the previous commanding officer, not
14 the immediate commanding officer, I think we're talking about
15 Deputy Inspector Endall?

16 A. That's correct, sir.

17 Q. Would issue renewals of licenses basically on the spot?

18 A. That's correct.

19 Q. So these are people who already have licenses? A license
20 lasts three years?

21 A. That's correct, sir.

22 Q. So these people already have licenses, they've already gone
23 through the investigatory process and they have no incidents?

24 A. Correct.

25 Q. But they have to renew, and there is a certain process, but

1 the process between Mr. Chambers, when Deputy Inspector Endall
2 was the commanding officer, was that Mr. Chambers would just
3 give him the renewal, sign off on it and send him to the other
4 area of the License Division or the NYPD to get the renewals
5 immediately, correct?

6 A. He stated this is the agreement he had.

7 Q. Yes.

8 A. That was not the actual process of it.

9 Q. The process is different. This was what happened before
10 you took over?

11 A. Correct.

12 Q. You said you wouldn't do that, there would be no favoritism
13 with you, correct?

14 A. Correct, yes.

15 Q. But you did tell him that you might be able to see to it in
16 the ordinary course that his renewals are processed within two
17 weeks. Is that correct?

18 A. Two weeks?

19 Q. Yes.

20 A. I didn't say that.

21 Q. How many weeks did you say?

22 A. I didn't give a timeline.

23 Q. Okay. But you did your best on some of the stale cases to
24 see that Mr. Chambers' license issues were --

25 A. As you looked at the last exhibit, it shows the reasons why

1 those cases -- those are renewal applications. They're
2 different than the regular new applications for the process.

3 You can see there was reasons why those cases weren't
4 processed. It was missing documents. So that is why those --
5 if the case is not completed, I am a not going to -- and the
6 onus is on the licensee to get that information, I my policy is
7 not to expedite anything.

8 Q. Correct. Everything had to go according to the --

9 A. Correct.

10 Q. -- procedures and no one was going to be treated more
11 favorably?

12 A. Correct, and everything has to go to liaison supervision,
13 the Sergeant in renewal section, they review it and it comes to
14 me and I'll sign off on it.

15 Q. But if something was stale and it should have been signed
16 off on earlier, you would assign it to the person or the party
17 at the License Division that could see that everything, the
18 procedures were corrected and whatever would be the decision
19 would be made in due course?

20 A. Correct, sir.

21 Q. Following Mr. Chambers' arrest in April of 2017, you
22 continued to speak to him. Is that correct?

23 A. We had, after he got indicted, we still exchanged emails on
24 inquiries he had, but we did have a conversation on the phone.
25 I believe this was probably our last conversation because

I4HJCHA2

Barreto - Redirect

1 obviously he is still, he was still allowed to practice his
2 profession.

3 Q. Yes.

4 A. So I was totally against him representing his clients in
5 the same office where these accusations were made against him.

6 After speaking to my immediate supervisors, we had a
7 conference call with Mr. Chambers, myself, Mr. Chambers,
8 Director David, and we came up with an agreement to have him
9 continue representing his clients but in a different venue than
10 1 Police Headquarters and the venue was 2 Lafayette, and he
11 could continue to represent his clients.

12 Q. In matters before the New York City Police Department
13 License Division?

14 A. Yes.

15 Q. And he is still representing clients before the New York
16 City Police Department License Division today. Is that
17 correct?

18 A. That's correct, sir.

19 MR. STAVIS: I have no further questions, your Honor.

20 THE COURT: Redirect examination, Mr. Rossmiller?

21 MR. ROSSMILLER: Yes, your Honor. Just briefly.

22 REDIRECT EXAMINATION

23 BY MR. ROSSMILLER:

24 Q. Just a few questions, Inspector Barreto.

25 A. Okay, sir.

I4HJCHA2

Barreto - Redirect

1 Q. Do you recall being asked to list some of the ranks in the
2 NYPD sort of top to bottom, down to sergeant?

3 A. Yes, sir.

4 Q. When you listed all those ranks, were there people with all
5 of those ranks in the License Division at once?

6 A. No.

7 Q. You were also asked some questions about decisions that
8 were made that were then appealed. Do you remember those
9 questions?

10 A. Yes.

11 Q. Do you remember looking at those documents?

12 A. Yes.

13 Q. Without seeing any information about the appeal or the
14 hearing, can you tell why any of those appeal decisions were
15 made?

16 A. No, I can't tell at all.

17 Q. You were asked a number of questions about attorneys
18 representing clients at different stages in the License
19 Division. Do you remember that?

20 A. Yes.

21 Q. Is it right that attorneys can represent clients really at
22 any stage?

23 A. Yes.

24 Q. Is it required for attorneys to represent clients at any
25 particular stage?

I4HJCHA2

Barreto - Redirect

1 A. No.

2 Q. Do some people go through the process without an attorney?

3 A. Yes.

4 Q. Finally, do you remember being asked some questions just a
5 few minutes ago about the scandal that occurred before you
6 joined the License Division?

7 A. Yes.

8 Q. Before this morning, had you ever heard that referred to as
9 the Lichtenstein-Villanueva gun permit scandal?

10 A. Yes, from jargon, from people talking.

11 Q. Was that scandal listed to just Mr. Lichtenstein and
12 Mr. Villanueva?

13 A. No.

14 Q. Without asking you to name everyone that was involved,
15 approximately how many individuals and officers were either
16 arrested, charged, fired or transferred as a result of the
17 overall scandal, would you say?

18 A. I would say about seven.

19 MR. ROSSMILLER: Just one moment, your Honor.

20 (Off-the-record discussion)

21 MR. ROSSMILLER: No further questions.

22 THE COURT: Any recross?

23 MR. STAVIS: No, your Honor.

24 THE COURT: All right. Inspector Barreto, you're
25 excused as a witness. You may step down.

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(Witness excused)

THE COURT: Would the government call its next witness.

MR. ROSSMILLER: At this time, the government would like to read a few stipulations.

THE COURT: All right. Members of the jury, remember a stipulation is an agreement among counsel concerning certain matters. I don't know what we're going to find out in a moment, but you can consider this as evidence in the case.

MR. ROSSMILLER: Just as a preview, the government will be reading what has been marked as Government Exhibits 2001, 2006, 2005, and 2004.

Starting with what has been marked --

THE COURT: You can just have a seat in the gallery, all right?

MR. ROSSMILLER: We are trying to keep things efficient, your Honor.

THE COURT: That is fine.

MR. ROSSMILLER: Starting with Government Exhibit 2001.

THE COURT: He can remain in the courtroom, but just take a seat in the gallery. Thank you, sir.

MR. ROSSMILLER: Starting with government marked as Government Exhibit 2001.

It is hereby stipulated and agreed by and between the

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1 United States of America, by Geoffrey S. Berman, United States
2 Attorney, Alex Rossmiller and Paul Monteleoni, Assistant United
3 States Attorneys, of counsel, and John Chambers, the defendant,
4 by his counsel, Roger L. Stavis, Esquire, Steven L. Brounstein
5 and Jared Foley, Esquire that:

6 If called to testify, a qualified and knowledgeable
7 representative of the New York City Police Department, NYPD,
8 would testify as follows:

9 Documents marked as Government Exhibits 601, 602, 603,
10 604, 605, 606, 607, 608 and 609 are true and correct copies of
11 files maintained by any NYPD License Division, including files
12 for the relevant indicated licenses as the files existed in
13 NYPD License Division records as of in or about 2017 and 2018
14 and were so stored by the NYPD in the ordinary course of its
15 business.

16 Documents marked as Government Exhibits 701, 702, 703,
17 704, 705, 706, 707, 708, and 709 are true and correct copies of
18 extracts of electronic data from NYPD License Division
19 electronic files, including electronic data extracts for the
20 individuals described in those files as they existed only the
21 NYPD systems as of in or about 2018 and were so stored by the
22 NYPD in the ordinary courses of its business.

23 Documents marked as Government Exhibits 801, 802, 803,
24 804, 805, 806, 807, 808 and 809 are true and correct copies of
25 electronic data from the NYPD's automated license processing

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1 system, including ALPS data, for the individuals described in
2 that data as they exhibited as of in or about 2018 and were so
3 stored by the NYPD in the ordinary course of its business.

4 If called to testify, a qualified and knowledgeable
5 representative of the Nassau County Police Department, NCPD,
6 would testify as follows:

7 Documents marked as Government Exhibits 901, 902, 903
8 and 904, are true and correct copies of files made main by NCPD
9 pistol license section, including files for the relevant
10 indicated licensees as the files existed in NCPD pistol license
11 section records as of about in or about 2017 and were so stored
12 by NCPD in the ordinary course of its business.

13 Documents marked Government Exhibits 1001, 1002, 1003,
14 1004 are true and correct copies of extracts of electronic data
15 from NCPD Pistol License Division electronic files, including
16 electronic data extracts for the individuals described in those
17 files as they existed on the NCPD systems as of in or about
18 2017 and 2018 and were so stored by the NCPD in the ordinary
19 course of its business.

20 No party will raise any objection under Federal Rule
21 of Evidence 802, 901 or 1002 with respect to any exhibit number
22 set forth above.

23 It is further stipulated and agreed that this
24 stipulation marked as Government Exhibit 2001 may be received
25 in evidence at the trial in the above referenced matter. The

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1 government offers the stipulation itself, Government Exhibit
2 2001.

3 MR. STAVIS: No objection.

4 THE COURT: All right. Government Exhibit 2001 is
5 received in evidence.

6 (Government's Exhibit 2001 received in evidence)

7 MR. ROSSMILLER: Pursuant to that stipulation, the
8 government offers Government Exhibits 601, 603 and its subsets,
9 604 and its subsets, 605, 606 and its subsets, 607 and its
10 subsets, 608 and its subsets, 609 and its subsets.

11 MR. STAVIS: No objection, your Honor.

12 THE COURT: All right. Government Exhibits 601, 603
13 and its subsets, 604 and its subsets, 605, 606 and its subsets,
14 607 and its subsets, 608 and its subsets, and 609 and its
15 subsets are received in evidence.

16 (Government's Exhibits 601, 603, 604, 605, 606, 607,
17 608 and 609 received in evidence)

18 MR. ROSSMILLER: Turning to what is marked as
19 Government Exhibit 2006, which reads:

20 It is hereby stipulated and agreed by and between the
21 United States of America, by Geoffrey S. Berman, United States
22 Attorney, Alex Rossmiller and Paul Monteleoni, Assistant United
23 States Attorneys, of counsel, and John Chambers, the defendant,
24 by his counsel, Roger L. Stavis, Esquire, Steven L. Brounstein,
25 Esquire and Jared Foley, Esquire, that:

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1 If called to testify, a qualified and knowledgeable
2 representative of Yahoo would represent as follows:

3 Documents marked with a control number within the
4 ranges of Chambers 016336 through Chambers 017336, and Chambers
5 022454 through Chambers 023392, consist of true and correct
6 copies of data from Yahoo, including emails and attachments to
7 emails associated with the email accounts
8 jurisdoctorjsc@yahoo.com. J-U-R-I-S, D-O-C-T-O-R, JSC at Yahoo
9 dot-com, and proudly patriotic, as they existed on Yahoo's
10 systems. The subscriber records of email accounts
11 jurisdoctorjsc@yahoo.com and proudlypatriotic@yahoo.com reflect
12 those email address were each registered using the name John
13 Chambers.

14 Documents marked with the control number Chambers
15 017744 consist of true and correct copies of data from Yahoo,
16 including emails and attachments to emails associated with the
17 email account wafer74@yahoo.com as they existed on Yahoo
18 systems. The subscriber records of email account
19 wafer74@yahoo.com reflect it was registered using the name
20 David Villanueva.

21 If called to testify, a qualified and knowledgeable
22 representative of Google would testify as follows: The
23 documents marked with a control number within the range of
24 Chambers 015223 through Chambers 015224, consist of true and
25 correct copies of data from Google, including emails and

I4HJCHA2

1 attachments to emails associated with the email account
2 Villanueva David 1 at Gmail dot com as they existed on Google
3 systems. The subscriber records of e-mail account Villanueva
4 David 1 at Gmail dot com reflect it was registered using the
5 name David Villanueva.

6 If called to testify, a qualified and knowledgeable
7 representative of the New York City Police Department, NYPD,
8 would testify as follows:

9 Documents marked with a control number Chambers
10 000058, and within the range of Chambers 015190 through
11 Chambers 015222, consist of true and correct copies of data
12 from the NYPD, including emails and attachments to emails
13 associated with email accounts used by members of the NYPD.

14 Government Exhibits 401 through 404, 416 through 442
15 and 424 through 467 consist of certain emails and attachments
16 from the documents marked with a control numbers set forth
17 above. No party will raise any objections under Federal Rule
18 of Evidence 901 or 1002 with respect to any exhibit containing
19 a control number within the ranges set forth above.

20 Additionally, no party will raise any objection under
21 Federal Rule of Evidence 802, 901 or 1002 with respect to
22 Government Exhibits 401 through 414, 416 through 422 and 424
23 through 467.

24 It is further stipulated and agreed that this
25 stipulation marked as Government Exhibit 2006 may be received

I4HJCHA2

1 in evidence at the trial in the above referenced matter. Your
2 Honor, the government offers this government exhibit, 2006.

3 THE COURT: Any objection?

4 MR. STAVIS: No objection.

5 THE COURT: Government Exhibit 2006 is received in
6 evidence.

7 (Government's Exhibit 2006 received in evidence)

8 MR. ROSSMILLER: The government asks permission to put
9 the stipulations up on the screen as I read them. I should
10 have asked that before.

11 THE COURT: You may.

12 MR. ROSSMILLER: Pursuant to Government Exhibit 2006,
13 the government offers what have been marked as Government
14 Exhibits 301 through and including 350, 403 and 404, 408
15 through 414, 416, 419 through 421, 425 and -- sorry -- 424 and
16 425, 427, 430 through 438, 440 through 458, 460 and 61, 463
17 through 467.

18 THE COURT: Any objection?

19 MR. STAVIS: No objection.

20 THE COURT: Government Exhibits 301 through and
21 including 350, 403 and 404, 408 through 414, 416, 419 through
22 421, 424 and 425, 427, 430 through 438, 440 through 458, 460
23 and 61, 463 through 467 are received in evidence.

24 (Government's Exhibits 350, 403-404, 408-414 received
25 in evidence)

I4HJCHA2

1 (Government's Exhibits 416, 419-421, 424-425, 427
2 received in evidence)

3 (Government Exhibits 430-438, 440-458, 460-461,
4 463-467 received in evidence)

5 MR. ROSSMILLER: Moving on to two shorter
6 stipulations, if we could please put up Government Exhibit
7 2005. Government Exhibit 2005 reads:

8 If called to testify, qualified and knowledgeable
9 representatives of the United States Attorney's Office and the
10 Federal Bureau of Investigation, respectively, would testify as
11 follows:

12 Documents marked with a control number within the
13 range of Chambers 000112 and Chambers 008457 consist of a true
14 and correct copy of a report that accurately reflects and
15 contains the downloaded contents of an Apple iPhone 5 smart
16 phone recovered from and previously owned and used by David
17 Villanueva. The Villanueva phone report.

18 Government Exhibits 201, 202, 203, 204 and 205, are
19 portions of the Villanueva phone report. No party will raise
20 any objections under Federal Rule of Evidence 901 or 1002 with
21 respect to any exhibit containing a control number within the
22 range set forth under Paragraph 1 or any objections under
23 Federal Rule of Evidence 802 with respect to the empty a data
24 set forth in any such exhibit.

25 Additionally, no party will raise any objection under

I4HJCHA2

1 Federal Rule of Evidence 802, 901 or 1002 with respect to
2 Government Exhibits 201, 202, 203, 204 and 205. It is further
3 stipulated and agreed that this stipulation marked as
4 Government Exhibit 2005 may be received in evidence at the
5 trial in the above referenced matter. The government offers
6 what has been marked as Government Exhibit 2005.

7 THE COURT: Any objection?

8 MR. STAVIS: No objection.

9 THE COURT: Government Exhibit 2005 is received in
10 evidence.

11 (Government's Exhibit 2005 received in evidence)

12 MR. ROSSMILLER: Pursuant to that exhibit, your Honor,
13 the government offers Government Exhibits 201, 202, 203, 204
14 and 205.

15 MR. STAVIS: No objection, your Honor.

16 THE COURT: Government Exhibits 201, 202, 203 and 204
17 and 205 are also received in evidence.

18 (Government's Exhibits 201-205 received in evidence)

19 MR. ROSSMILLER: Our final stipulation for the moment,
20 your Honor, is marked as Government Exhibit 2004. It reads:
21 If called to testify, a qualified and knowledgeable witness
22 would testify as follows:

23 Documents marked as Government Exhibit 1201 are a true
24 and correct list of clients represented by John Chambers, the
25 defendant, in connection with gun license matters in the years

I4HJCHA2

1 2010 through 2017 as provided by the law offices of John S.
2 Chambers pursuant to lawfully issued subpoena. Documents
3 marked as Government Exhibit 1202 are true and correct copies
4 of the publicly accessible content of the web site of the law
5 offices of John S. Chambers as the web site existed in or about
6 November 2017. No party will raise any objection under Federal
7 Rule of Evidence 802, 901 or 1002 with respect to government
8 exhibits 1201 and 1202.

9 It is further stipulated and agreed that this
10 stipulation marked as Government Exhibit 2004 may be received
11 in evidence at the trial in the above-referenced matter and the
12 government offers Government Exhibit 2004.

13 MR. STAVIS: No objection.

14 THE COURT: Government Exhibit 2004 is received in
15 evidence.

16 (Government's Exhibit 2004 received in evidence)

17 MR. ROSSMILLER: Pursuant to Government Exhibit 2004,
18 the government also offers what has been marked as Government
19 Exhibits 1201 and 1202.

20 MR. STAVIS: No objection.

21 THE COURT: Government exhibits 1201 and 1202 are
22 received in evidence.

23 (Government's Exhibits 1201 and 1202 received in
24 evidence)

25 MR. MONTELEONI: The government calls Special Agent

I4HJCHA2

Hubbard - Direct

1 Bard Hubbard.

2 BARD HUBBARD,

3 called as a witness by the government,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MONTELEONI:

7 Q. Good morning. Are you currently employed?

8 A. I am.

9 Q. Where do you work?

10 A. Federal Bureau of Investigation.

11 Q. What is your title at the FBI?

12 A. Special agent.

13 Q. How long have you been at the FBI?

14 A. Approximately 9 years.

15 Q. What did you do before the FBI?

16 A. I was a pilot for the United States Navy.

17 Q. How long were you a pilot for the US Navy?

18 A. Nine years.

19 Q. What was your first long-term assignment at the FBI?

20 A. My first long-term assignment was as a surveillance pilot
21 for the FBI.

22 Q. How long did you do that?

23 A. Three and a half years.

24 Q. What is your current assignment in the FBI?

25 A. I work on a squad designated C4 that focuses on public

I4HJCHA2

Hubbard - Direct

1 corruption.

2 Q. How long have you been assigned to Squad C4 at the FBI?

3 A. Approximately four years.

4 Q. Have you ever heard of an individual named John Chambers?

5 A. Yes.

6 Q. Have you participated in an investigation involving John
7 Chambers?

8 A. I have.

9 Q. What is John Chambers' line of work?

10 A. He is an attorney.

11 Q. What is the nature of his practice?

12 A. He focuses on clients that have needs regarding pistol
13 licenses, whether they are first-time applicants, renewals,
14 incidents, that kind of thing.

15 Q. Have you ever heard of an individual named Dave Villanueva?

16 A. I have.

17 Q. In the approximately 2010 to 2015 time period, where did
18 David Villanueva work?

19 A. New York Police Department, License Division.

20 Q. Have you participated in an investigation involving David
21 Villanueva?

22 A. I have.

23 Q. What was the outcome of the investigation into Villanueva?

24 A. We found that he was suspected of bribery, and he pled
25 guilty to those charges.

I4HJCHA2

Hubbard - Direct

1 Q. Did he plead guilty pursuant to a cooperation agreement
2 with the government?

3 A. He did.

4 Q. Since he began to cooperate with the government, about how
5 much contact have you had with Mr. Villanueva?

6 A. I would average approximately once a month.

7 Q. Do you have that contact in person?

8 A. Yes.

9 Q. When you met with him, has he ever provided you with
10 anything?

11 A. He has.

12 Q. What did you do with the things that he provided?

13 A. I took the items that he provided to us and brought them
14 back to the office and submitted into evidence.

15 Q. In connection with your investigations of Villanueva and
16 Chambers, did you review files from the NYPD licensing
17 division?

18 A. I did.

19 MR. MONTELEONI: Now, I'd like to show you in your
20 binder and ask Ms. Bustillo to show you and opposing counsel
21 the document that is actually in evidence as Government Exhibit
22 608-2.

23 Your Honor may we publish to the jury as well?

24 THE COURT: You may, Mr. Monteleoni.

25 (Pause)

I4HJCHA2

Hubbard - Direct

1 BY MR. MONTELEONI:

2 Q. Looking at the first page of Government Exhibit 608-2, this
3 document is on letterhead. Could you please read the
4 letterhead starting from the words Police Department.

5 A. Police Department License Division Incident Section, 1
6 Police Plaza, Room 110-A, New York, New York, 100038.

7 Q. Who is this document addressed to in the first line of the
8 first paragraph?

9 A. Edward Ticheli.

10 MR. MONTELEONI: Ms. Bustillo, could you show a little
11 more of the page, just the top half of the page, please.

12 BY MR. MONTELEONI:

13 Q. Special Agent Hubbard, what is the title of this document?

14 A. The title is, "Notice of Determination."

15 Q. What is the subtitle?

16 A. Subtitle states, "Interim determination to suspend during
17 investigation."

18 Q. Could you please read the first sentence of the letter
19 starting with Dear Edward Ticheli?

20 A. Dear Edward Ticheli: In accordance with 38 RCNY Section
21 5-30 and 38 RCNY Section 3-05, this letter is to advise you
22 that your carry business, premise business, premise residence,
23 handgun license and rifle shot gun permit are suspended. These
24 are temporary suspensions while the circumstances surrounding
25 the following incidents are investigated. You were involved in

I4HJCHA2

Hubbard - Direct

1 a domestic incident that occurred in Manhattan on August 11,
2 2012 and you failed to notify the License Division of this
3 incident.

4 Q. Turning to the second page, the bottom half of the second
5 page, could you please read the directives starting you are
6 hereby directed and the first numbered item.

7 A. "You are hereby directed to immediately surrender all
8 firearms at your local precinct."

9 Q. Turning back to the first page, what is the date on this
10 letter?

11 A. The date is April 15th, 2013.

12 Q. So I'd like to show you Government Exhibit 608-6. So
13 directing your attention to the center top of the page, what is
14 the title of this page?

15 A. "NYPD Domestic Incident Report."

16 Q. Directing your attention to the box beneath the title
17 saying date of occur, what is the date of occur?

18 A. Date of occur, August 11, 2012.

19 Q. Is that the date of the alleged domestic incident described
20 in 6082 that we just looked at?

21 A. They're the same date.

22 Q. A little further down the page, who does Government Exhibit
23 608-6 list in the second half of the page as the suspect?

24 A. Suspect is Edward Ticheli.

25 Q. Turning your attention to the second page, directing your

I4HJCHA2

Hubbard - Direct

1 attention to the field that is called results of investigation
2 and basis of action taken, in the first sentence where it says
3 TPO, are you familiar with the acronym TPO?

4 A. I am.

5 Q. What does TPO stand for?

6 A. Time place occurrence.

7 Q. Are you familiar with the acronym CV?

8 A. Yes.

9 Q. What does CV mean?

10 A. Complainant victim.

11 Q. Is characterizing someone as a complainant victim saying
12 what they're saying is necessarily true?

13 A. No.

14 Q. Could you please read the narrative of the results of
15 investigation and basis of action taken.

16 A. At TPO, CV states she is going through a divorce with her
17 husband there. There has been verbal disputes where she has
18 felt in fear for her safety. CV also states he has threatened
19 to hit her when he is angry. CV also states he does have two
20 guns at location, UT does have carry handgun permit, License
21 No. 2009000477. No injuries being reported at this time. Def
22 took guns with him upstate to his other home.

23 Q. I would like to somehow Government Exhibit 608-5.

24 On the first page could you please read who this fax
25 cover sheet is directed to who is the person transmitted to

I4HJCHA2

Hubbard - Direct

1 listed?

2 A. Transmitted to Sergeant David Villanueva.

3 Q. Who does it say it is from?

4 A. From the law officers of John S. Chambers.

5 Q. What is the re line?

6 A. Regarding Edward Ticheli.

7 Q. Directing your attention to the second page, who does the
8 letter say it is signed by?

9 A. Signed by John S. Chambers, Esquire.

10 Q. Directing your attention to the letterhead at the top, can
11 you please read the name and the address of the letterhead.

12 A. The letterhead states John S. Chambers, attorney at law, 89
13 5th Avenue, Suite 801, New York, New York, 10003.

14 Q. Directing your attention to the bottom of the page, below
15 the signature line, in the bottom-left corner, could you please
16 read the address after the word email.

17 A. Address states juris doctor JSC at Yahoo dot com.

18 Q. What is a juris doctor?

19 A. That is a lawyer.

20 Q. What are John Chambers' initials?

21 A. JSC.

22 Q. In connection with the investigation, did the FBI obtain a
23 certain warrant on certain email accounts used by John
24 Chambers?

25 A. Yes.

I4HJCHA2

Hubbard - Direct

1 Q. Have you seen some of the emails obtained pursuant to that
2 search warrant?

3 A. I have.

4 MR. MONTELEONI: May we publish other exhibits that
5 have been admitted into evidence pursuant to the stipulations?

6 THE COURT: Yes, you may. Identify by exhibit number
7 as you're publishing.

8 MR. MONTELEONI: Absolutely your Honor. Ms. Bustillo,
9 if you could publish Government Exhibit 306. This is a
10 multipage document. I would like to go to the last page, to
11 the bottom of the email chain. All right. So the second to
12 last page, I guess.

13 BY MR. MONTELEONI:

14 Q. At the bottom of the email chain, the last email, what is
15 the display name of the sender of that email?

16 A. The display name of sender John Chambers, Esquire.

17 Q. What is email address?

18 A. Juris doctor JSC at Yahoo dot com.

19 Q. How does that compare to the email address on the
20 letterhead weigh just saw?

21 A. They're the same.

22 Q. In Government Exhibit 306, what is the display name of the
23 person receiving the first email?

24 A. Display named Ed Ticheli.

25 MR. MONTELEONI: Ms. Bustillo, I think you're one

I4HJCHA2

Hubbard - Direct

1 email up.

2 BY MR. MONTELEONI:

3 Q. What is the email address of the recipient of the first
4 email?

5 A. Ed Ticheli at AOL dot com.

6 Q. What is the subject line of the email that the user with
7 display name John Chambers, Esquire is sending?

8 A. Waiting photos.

9 Q. Is there any text in the body apart from the signature?

10 A. There is not.

11 Q. When was this sent?

12 A. May 30, 2013.

13 Q. What time?

14 A. 2:10 pm.

15 Q. When is this email from the John Chambers, Esquire using to
16 the Ed Ticheli user in comparison to Government Exhibit 608-2,
17 the License Division letter to Edward Ticheli, notifying him
18 his licenses were suspended?

19 A. The notification of suspension occurred approximately one
20 and a half months prior to the email.

21 Q. So now in Government Exhibit 306, going to the next email
22 up in the chain, who is the sender of that next email up?

23 A. Ed Ticheli at AOL dot com.

24 Q. Could you please read the body text of that reply.

25 A. Body text read: Sorry, Johnny. We just got our shipment

I4HJCHA2

Hubbard - Direct

1 and I am settling W my wife today. On their way in a few.

2 You're the best, ed. I really value your friendship for these
3 years.

4 Q. Now skipping up past the next email to the one in the
5 middle of this page, the 3:22 pm email, what is the address is
6 the 3:22 email from?

7 A. Ed Ticheli at AOL dot com.

8 Q. Who is it to?

9 A. Juris doctor JSC at Yahoo dot com.

10 Q. Please read the body of this email.

11 A. I have three nice steel ones coming. They're large watches
12 ranging from 5300 to 8500. They're handsome and nice looking.
13 Please see. They're large, nice men's watches.

14 Q. Going up to the next response at 3:30 pm on the preceding
15 page, which user sends the next response?

16 A. Juris doctor JSC at Yahoo dot com.

17 Q. Please read the body of this email.

18 A. "Pictures or can I find them on line with maker and model?"

19 Q. Going up to the next response, which user is it sent by?

20 A. Ed Ticheli at AOL dot com.

21 Q. What does that response say?

22 A. Coming right now.

23 MR. MONTELEONI: Ms. Bustillo, if you could publish
24 Government Exhibit 307.

25 BY MR. MONTELEONI:

I4HJCHA2

Hubbard - Direct

1 Q. Special Agent Hubbard, when was Government 307 sent?

2 A. May 30th, 2013.

3 Q. What time?

4 A. At 5:40 pm.

5 Q. So about when is this email, Government Exhibit 307, sent
6 in relation to Government Exhibit 306, the last email chain we
7 were reviewing?

8 A. 307 was sent approximately two hours after the last email
9 we reviewed.

10 Q. In 307, what is the display name of the sender?

11 A. John Chambers.

12 Q. What is the email of the sender?

13 A. Proudly patriotic at Yahoo dot com.

14 Q. What is the BCC, who is BCC to this email?

15 A. Juris doctor JSC at Yahoo dot com.

16 Q. What is BCC?

17 A. That stands for blind carbon copy. It essentially shields
18 anyone who is on the distribution of this email to see that,
19 can't see who else the email has been sent to.

20 Q. How does this BCC email addressed to juris doctor JSC at
21 Yahoo dot com compare to the email address that had been
22 corresponding with Ed Ticheli at AOL dot com in the previous
23 email?

24 A. The same.

25 Q. In 307, what is the display name of the recipient of the

I4HJCHA2

Hubbard - Direct

1 email?

2 A. David Villanueva.

3 Q. What is email address linked to David Villanueva?

4 A. Wafer74@yahoo.com.

5 Q. What is the subject line of the email?

6 A. Here is a link to the Paul Picot watch.

7 Q. Please read the whole email except for the hyperlink inside
8 it?

9 A. Hi, Dave. The manner in which it was sent to me. In that
10 file. I can't send you the photo of the exact watch, but this
11 is the model, stunning. Should have it in hand tomorrow.
12 John.

13 Q. Are there attachments to the email?

14 A. Yes.

15 MR. MONTELEONI: Ms. Bustillo, could you please show
16 the witness each of these at attachments in order.

17 BY MR. MONTELEONI:

18 Q. Going back to the first attachment, Special Agent Hubbard,
19 have you ever seen a watch that looks like that?

20 A. Yes.

21 Q. Showing you the item that has been marked for
22 identification as Government Exhibit 101, have you ever seen
23 this item before?

24 A. I have.

25 Q. Where did you first see it?

I4HJCHA2

Hubbard - Direct

1 A. Mr. Villanueva provided it to us.

2 Q. When did he do that?

3 A. After he became a cooperator for the government.

4 Q. What did you do with it when he provided it to you?

5 A. I took it back to the office to put it into evidence.

6 MR. MONTELEONI: At this time we offer Government
7 Exhibit 101 as well as Government Exhibit 101-1 through 11
8 which are photos of 101 in evidence.

9 MR. STAVIS: May I see the exhibit.

10 THE COURT: Show the exhibit to counsel, Mr.
11 Monteleoni.

12 (Pause)

13 MR. STAVIS: I have no objection, your Honor.

14 THE COURT: Government Exhibit 101 and 101-1 through
15 101-11 are received in evidence.

16 (Government's Exhibits 101 and 101-1 through 101-11
17 received in evidence)

18 MR. MONTELEONI: Ms. Bustillo if you could publish to
19 the jury Government Exhibit 101-6.

20 BY MR. MONTELEONI:

21 Q. So Special Agent Hubbard, Government 101 is a box. Could
22 you open the box, please.

23 A. (Pause)

24 Q. Could you show the jury what is inside the inner box.

25 A. (Pause)

I4HJCHA2

Hubbard - Direct

1 Q. So there is a watch in that box. Was the watch in that box
2 when Villanueva gave it to you?

3 A. Yes.

4 Q. Directing your attention to the watch that's part of
5 Government Exhibit 101, could you please compare it to the, I
6 guess the first photograph in the attachment to Government
7 Exhibit 307, the email from the user display name John Chambers
8 with the user displayed name David Villanueva.

9 MR. MONTELEONI: Ms. Bustillo if you could publish
10 again the first attachment to Government Exhibit 307.

11 BY MR. MONTELEONI:

12 Q. Approximately how do they compare?

13 A. Very similar.

14 Q. Can you tell the manufacturer of the watch?

15 A. Yes.

16 Q. What is the manufacturer of the watch that is contained
17 within Government Exhibit 101?

18 A. Paul Picot.

19 Q. How does the condition of that physical watch now compare
20 with the condition of the watch when Villanueva gave it to you?

21 A. The same.

22 Q. Could you please take it out from the box and take it out
23 from the pillow, this blue plastic on the watch buckle and
24 various tags on it. Were those there when Villanueva gave it
25 to you?

I4HJCHA2

Hubbard - Direct

1 A. Yes.

2 MR. MONTELEONI: Now, Ms. Bustillo, if you could
3 publish Government Exhibit 101-7.

4 BY MR. MONTELEONI:

5 Q. Special Agent Hubbard, I would like to direct your
6 attention to the tag right next to the buckle of Government
7 Exhibit 101. There is a bar code on one side. Could you
8 please read the number on under the bar code?

9 A. 8500.00.

10 Q. Now, turning for a moment back to Government Exhibit 306,
11 on the second page, looking at the 3:22 pm email from Ed
12 Ticheli at AOL dot com to juris doctor JSC at Yahoo dot com,
13 could you please read the first three lines of that email.

14 A. "I have three nice steel ones coming. They're large
15 watches ranging from 5300 to 8500."

16 Q. Now, turning to Government Exhibit 308, which is an email
17 thread, which email address is this thread between?

18 A. Juris doctor JSC at Yahoo dot com and Ed Ticheli at AOL dot
19 com.

20 Q. Going back from, the first email sent in the thread
21 chronologically, who sent that? What is the email address of
22 the sender?

23 A. Juris doctor JSC at Yahoo dot com.

24 Q. When was that one sent?

25 A. May 30, 2013.

I4HJCHA2

Hubbard - Direct

1 Q. At what time?

2 A. 6:10 pm.

3 Q. When is that time in relation to the sending of Government
4 Exhibit 307, the email sending the pictures of the watch?

5 A. The email sending the watch occurred less than an hour
6 before the email that you're presenting now.

7 Q. So returning to the email being presented now, what does
8 this bottom email in Government Exhibit 308 say?

9 A. It states, "We are looking good for next week. What time
10 can I expect you tomorrow?"

11 Q. Now, going to the next reply in the chain, who send the
12 next message?

13 A. Ed Ticheli at AOL dot com.

14 Q. Please read that reply.

15 A. "Please tell me which watch. Also I am lawyer's now
16 settling. Can I please let you know when I finish. I am alone
17 at work tomorrow."

18 Q. Now on the next message up, could you please read the reply
19 sent by juris doctor JSC at Yahoo dot com. That reply overlaps
20 two pages, so if we can start with the first page of that
21 reply.

22 A. "Yes, that's fine. I just want to make sure we see each
23 other tomorrow and settle up. I spent a great deal of time
24 today mending fences, making sure next week would be a go.
25 With two guns to stay on your carry as well.

I4HJCHA2

Hubbard - Direct

(Continued on next page)

I4hWcha3

Hubbard - Direct

1 Q. And --

2 A. Sorry.

3 "It's the classic 42MM, the one in the middle, the second
4 watch. Two tone with the 5 diamonds."

5 Q. Now, returning to the watch contained in Government Exhibit
6 101 --

7 MR. MONTELEONI: And Ms. Bustillo, you could publish
8 Government Exhibit 101-6.

9 Q. -- apart from the medal, how many colors are on the watch
10 face?

11 A. Two.

12 Q. Do you see any things that look like diamonds on the watch?

13 A. I do.

14 Q. How many?

15 A. Five.

16 Q. Now, returning to Government Exhibit 308, could you please
17 read edticheli@aol.com's response on the second page in the
18 9:53 p.m. email, from the beginning down to the smiley symbol?

19 A. "I knew you would like that one. It's so cool. I just got
20 home. Everything is done. Let's email in the a.m. and will
21 tell you. I will deliver watch and \$\$ sign but will need to
22 ship you box and papers as I just got my shipment." Smiley
23 face.

24 Q. Showing you Government Exhibit 311, it's a multipage
25 document. If you can just flip through until you can answer

I4hWcha3

Hubbard - Direct

1 whether this is a different portion of the same email thread.

2 A. It is.

3 Q. All right. Directing your attention to the third page, on
4 the May 31, 2013, 10:15 a.m. email in the thread, who is it
5 from?

6 A. Edticheli@aol.com.

7 Q. Could you please read it?

8 A. "OK, great. And about when do you think? Also, will
9 Darren give me back? Thanks. Ed."

10 Q. Directing your attention to the next email in the thread,
11 the 10:18 a.m. email, who is that from?

12 A. Jurisdoctorjsc@yahoo.com.

13 Q. Could you please read just the first paragraph?

14 A. "Yes, it will be done next week. Darren can only give them
15 back to you when I give you your LIC back as well as two
16 purchase authorizations for the two carry guns."

17 Q. Do you know of anyone named Darren associated with the gun
18 business.

19 A. I do.

20 Q. Who is the Darren associated with the gun business you
21 know?

22 A. Yeah, he works at a gun range called Westside Pistol & Gun
23 or Gun & Pistol.

24 Q. Returning to the email, could you please read the second
25 paragraph of the 10:18 p.m. email?

I4hWcha3

Hubbard - Direct

1 A. "When do you think you would have the box/papers for the
2 watch? It's not pre-owned, right?"

3 Q. I apologize. I interrupted your answer just to correct my
4 question. I called it a 10:15 p.m. email. It's a 10:15 a.m.
5 email.

6 All right. Now, going to the next email in the chain, what
7 is edticheli@aol.com's response?

8 A. The response from edticheli@aol.com: "Brand-new within a
9 week on box and papers. Do I have to go to gun inspection
10 again? Ugh. Thanks. Ed."

11 Q. Now, going up to the 1:03 p.m. email in the chain, who
12 sends that?

13 A. Edticheli@aol.com.

14 Q. What date was that sent, by the way?

15 A. May 31, 2013.

16 Q. And when is that date in relation to the date of Government
17 Exhibit 307, the email in which the Chambers user sends the
18 Villanueva user the pictures of the watch?

19 A. That would be the next day.

20 Q. Could you please read the 1:03 p.m. email in Government
21 Exhibit 311?

22 A. "Rio is dropping off boxes til around 3-ish. Then his next
23 stop is you. W watch and 2, 2 for you. And 2 got me ASAP. I
24 just made my deposit from LV show and am doing the big watch
25 deal today. Need you, please."

I4hWcha3

Hubbard - Direct

1 Q. Going to the most recent email in the thread, could you
2 please read the response from jurisdoctorjsc@yahoo.com?

3 A. "I know, and when I get watch in hand, I'm going to let
4 'them' know a light reminder about next week."

5 Q. Are there any words in that email in quotation marks?

6 A. Yes.

7 Q. Which word?

8 A. "Them."

9 Q. Now, showing you Government Exhibit 322, directing your
10 attention on the first page to the May 31, 2013, 1:40 p.m.
11 email, who sent that email?

12 A. Jurisdoctorjsc@yahoo.com.

13 Q. Could you please read that email?

14 A. "Possible to have the box and papers by the end of the
15 week? Can that be expedited? Don't want to give the watch
16 without them. I think it makes the watch look that much richer
17 with box and papers, don't you?"

18 Q. Showing you Government Exhibit 318, what is the date and
19 time of the most recent message in the thread?

20 A. May 31, 2013, at 4:08 p.m.

21 Q. About when is that in relation to the message we just
22 looked at?

23 A. That message is roughly half an hour prior to the message
24 we just read.

25 Q. Sorry. The --

I4hWcha3

Hubbard - Direct

1 A. I'm sorry.

2 Q. Going back to Government Exhibit 322, the request for box
3 and paper is not the last email in the thread. The "request
4 for box and papers" email that we just read, what time was that
5 sent?

6 A. That was May 31, 2013, at 1:40 p.m.

7 Q. That's in Government Exhibit 322, right?

8 A. Yes.

9 Q. All right. When is the email in Government Exhibit 318?

10 A. That email is May 31, 2013, at 4:08 p.m.

11 Q. All right. What user is sending this email?

12 A. In 322?

13 Q. Sorry. In 318.

14 A. That would be jurisdoctorjsc@yahoo.com.

15 Q. To which user?

16 A. To edticheli@aol.com.

17 Q. Could you please read the email?

18 A. "Looks good. Text and sent photo of watch. He loves it.
19 Looking like we are on the right road. BTW, did you tell me
20 how fast you can get the box and papers?"

21 Q. Showing you Government Exhibit 320, turning to the first
22 page, in the second email down, the May 31, 2013, 4:20 p.m.
23 email in the thread, who sent it?

24 A. Jurisdoctorjsc@yahoo.com.

25 Q. And could you please read the second paragraph of that

I4hWcha3

Hubbard - Direct

1 email?

2 A. "Yes. The watch is beautiful and very classy. Will work
3 wonders to repair the damage done as well as get us on the
4 track we need to be on for you."

5 Q. And in the final email in the thread, what is the response
6 of edticheli@aol.com?

7 A. "Thanks."

8 Q. Showing you Government Exhibit 333, who is this thread
9 between?

10 A. Edticheli@aol.com and jurisdoctorjsc@yahoo.com.

11 Q. Going back to the chronologically first email in the
12 thread, who sent that first email?

13 A. Jurisdoctorjsc@yahoo.com.

14 I'm sorry. There's more at the bottom I did not see.

15 Q. Who sent that first one?

16 A. First one was edticheli@aol.com.

17 Q. What day did he send that email?

18 A. June 7, 2013.

19 Q. When is June 7, 2013, in comparison to the date of
20 Government Exhibit 320, the last email we were just discussing?

21 A. This email was sent approximately one week later.

22 Q. What is the subject line of the email that
23 edticheli@aol.com sends in the first email in Government
24 Exhibit 333?

25 A. "What time should I come by?"

I4hWcha3

Hubbard - Direct

1 Q. Now turning to the response, could you please read just the
2 first two lines of the response sent by
3 jurisdoctorjsc@yahoo.com?

4 A. "Not happening today. Sergeant couldn't be there. He was
5 sent out."

6 Q. What rank did David Villanueva hold in the NYPD in 2013?

7 A. Sergeant.

8 Q. In what section of the license division?

9 A. He was in incidents.

10 Q. All right. And turning to the most recent email in the
11 chain, could you please read edticheli@aol.com's response?

12 A. "You are still in possession of my package Rio dropped,
13 correct? Thanks. Ed."

14 Q. Turning back to Government Exhibit 311, the second email
15 down, what was the name of the person that Ed Ticheli described
16 was coming to visit Chambers?

17 A. Rio.

18 Q. Showing you Government Exhibit 339, who is this thread
19 between?

20 A. Jurisdoctorjsc@yahoo.com and edticheli@aol.com.

21 Q. And the most recent message in the thread, at the top, who
22 sent that most recent message?

23 A. Jurisdoctorjsc@yahoo.com.

24 Q. What's the date of that message?

25 A. June 11, 2013.

I4hWcha3

Hubbard - Direct

1 Q. And at what time?

2 A. 8:53 a.m.

3 Q. What is the subject line?

4 A. "Regarding pushing."

5 Q. Could you please read the message?

6 A. "If I can only get one gun back immediately, which one?"

7 Q. Showing you Government Exhibit 344, who is this thread
8 between?

9 A. Jurisdoctorjsc@yahoo.com and edticheli@aol.com.

10 Q. Now, turning down to the third page, the 8:59 a.m. email,
11 what date was that sent on?

12 A. June 11, 2013.

13 Q. When was this June 11, 2013, 8:59 a.m. email sent in
14 relation to the email that we just read in Government Exhibit
15 339?

16 A. This email was sent roughly six minutes after.

17 Q. In this email in Government Exhibit 344, could you please
18 read what edticheli@aol.com wrote?

19 A. "There were supposed to be two. That was the deal we made.
20 If I can get one, I will take the Glock. I need both guns."

21 Q. Now, directing your attention to the reply by
22 jurisdoctorjsc@yahoo.com, could you first please read just the
23 first sentence of that message?

24 A. "If we were dealing with the captain, a deal would be 100
25 percent done deal."

I4hWcha3

Hubbard - Direct

1 Q. Can you read the remainder of the sentence, until the "deal
2 closed"?

3 A. "Because it's the sergeant, who is not happy about the way
4 this came down, if you remember. I am jumping through hoops to
5 even get this deal closed."

6 Q. And turning to edticheli@aol.com's reply to that message,
7 what is the subject line of that reply?

8 A. "Regarding deal with NYPD."

9 Q. Could you please read the entire reply?

10 A. "We were guaranteed today, two guns, carry. I did my part.
11 Please advise. Thanks. Ed."

12 Q. Going to the reply by jurisdoctorjsc@yahoo.com, could you
13 please read the first two sentences?

14 A. "This is the police department you are dealing with, not
15 another jeweler. Guarantee is not a word used in this
16 parlance."

17 Q. Showing you Government Exhibit 345, who sent this most
18 recent email?

19 A. Jurisdoctorjsc@yahoo.com.

20 Q. To whom?

21 A. Edticheli@aol.com.

22 Q. When?

23 A. June 11, 2013.

24 Q. At what time?

25 A. 11:55 a.m.

I4hWcha3

Hubbard - Direct

1 Q. What is the subject line?

2 A. "Finally."

3 Q. Could you please read the body?

4 A. "Get some cash from the back for me, LOL. Deal done. Do
5 you want me to take care of inspection and submission of
6 completed POs? Meaning you do not have to appear at HQ with
7 guns for inspection. If so, fee is \$850 cash. Plus I expect
8 'tip' that we discussed at your discretion. This has been the
9 slightest of nightmares. Plus this is a miracle. Trust me."

10 Q. Are any words in quotation marks?

11 A. Yes.

12 Q. Which word?

13 A. "Tip."

14 Q. Showing you Government Exhibit 347, who is this thread
15 between?

16 A. Jurisdoctorjsc@yahoo.com and edticheli@aol.com.

17 Q. Going down to the bottom, chronologically the first email
18 in this thread, who sent that?

19 A. Jurisdoctorjsc@yahoo.com.

20 Q. On what date?

21 A. June 12, 2013.

22 Q. And when is that compared to the date of the previous
23 email?

24 A. This is the day after.

25 Q. So what is the subject line of -- going back up to the top

I4hWcha3

Hubbard - Direct

1 of the thread, what's the subject line at the top of the
2 thread?

3 A. "Have license and purchase authorization."

4 Q. And going back down to that first email in the thread,
5 could you please read the text of that?

6 A. "Come to office. If you want me to deal with 'inspection'
7 and you don't have to appear at HQ at all, fee is \$850. Please
8 bring that if you want me to deal with this aspect and 'tip' we
9 spoke of."

10 Q. Are any words in quotation marks?

11 A. Yes.

12 Q. Which words?

13 A. "Inspection" and "tip."

14 Q. Going to the response by edticheli@aol.com, could you
15 please read that response out?

16 A. "John, you are a wonderful person. I have never bargained
17 with you ever. Could you please help me on this? Please?
18 Tell me. I have spent well over 10,000 now, and I do
19 appreciate it. Please tell me what you need and be as gentle
20 as possible. Thank you. Ed." Smiley face.

21 Q. Could you please read the response from
22 jurisdoctorjsc@yahoo.com?

23 A. "Ed, all that was done for you was a miracle. No other
24 lawyer could have saved you from revocation, let alone got your
25 concealed carry reinstated almost immediately. 850 is my last

I4hWcha3

Hubbard - Direct

1 fee to bring your paperwork back to the supervisor so to save
2 you the headache. Tip I leave in your discretion. Just know
3 many were involved to get all of this done and done so quickly.
4 Honestly, any other lawyer would have charged you more and been
5 unsuccessful, and no other lawyer would be allowed to do what
6 I'm doing for you, allowing you to avoid reinspection of the
7 weapons. John."

8 Q. When was that response sent?

9 A. June 12, 2013.

10 Q. At what time?

11 A. 10:43 a.m.

12 Q. Showing you Government Exhibit 349, who is this thread
13 between?

14 A. Jurisdoctorjsc@yahoo.com and edticheli@aol.com.

15 Q. Going to the bottom email of this thread, who sent it?

16 A. Edticheli@aol.com.

17 Q. When did he send it?

18 A. June 12, 2013.

19 Q. At what time?

20 A. 2:50 p.m.

21 Q. How does that compare to the time of the email we just
22 looked at?

23 A. It compares -- it's roughly four hours after the last email
24 we reviewed.

25 Q. All right. And what is the subject line of the bottom

I4hWcha3

Hubbard - Direct

1 email in Government Exhibit 349?

2 A. "Headed by work then you."

3 Q. And what is Chambers's response?

4 A. "Let me know when you're close, please."

5 Q. Now, I'd like to show you the first page of Government
6 Exhibit 608-1. Have you seen this document before?

7 A. Yes.

8 Q. Have you reviewed it prior to testifying?

9 A. Yes.

10 Q. On the first page, could you please read its title?

11 A. License division, incident investigation, final report.

12 Q. Who is the licensee?

13 A. Edward Ticheli.

14 Q. How many gun licenses or permits does it say he has?

15 A. Four.

16 Q. Who is listed as the case investigator?

17 A. Patsy Brewster.

18 Q. Who is listed as the case supervisor?

19 A. Sgt. Villanueva.

20 Q. Directing your attention, in part 1, general case
21 information, to the word "incident" with a colon after it, what
22 does it say after the word "incident"?

23 A. Domestic incident.

24 Q. In part 2, where it says firearms recovered, could you
25 please read what it says after that?

I4hWcha3

Hubbard - Direct

1 A. "No. Licensee sold firearms W/O permission to Westside
2 Rifle & Pistol range."

3 Q. By the way, when you mentioned you were aware that someone
4 named Darren worked for a gun range, what range did Darren work
5 for?

6 A. Westside Rifle & Pistol.

7 Q. Now, directing your attention to the date case assigned in
8 section 1, what is that date?

9 A. April 12, 2013.

10 Q. When's that in comparison to all these emails we've just
11 been reviewing?

12 A. Before the emails we've been reviewing.

13 Q. How does that April 12, 2013, date compare to the date of
14 Government Exhibit 608-2, the letter advising Ticheli that his
15 licenses were temporarily suspended?

16 A. The investigation final report was published three days
17 prior to the letter.

18 Q. Sorry. Going back to the investigation final report, when
19 you said that it was published then, what date were you
20 referring to on it?

21 A. I apologize. Date of final report was June 18.

22 Q. All right. So the date of final report was on June 18.
23 What was the date case assigned?

24 A. I'm sorry. That's April 12, 2013.

25 Q. All right. Now, you mentioned that the date of final

I4hWcha3

Hubbard - Direct

1 report is listed as June 18, 2013. Could you please turn to
2 the last page. On the last page, where it says signature of
3 case investigator, what is the date listed after that
4 signature?

5 A. June 18, 2013.

6 Q. And now let's turn back to Government Exhibit 347, the
7 chain with the subject line "have license and purchase
8 authorization," what is the date of that chain, of all the
9 emails in that chain?

10 A. June 12, 2013.

11 Q. How does that compare to the date of final report for the
12 investigation?

13 A. Six days prior to the date of final report.

14 Q. Now, let's return to Government Exhibit 608-1, the final
15 report. You said that you had reviewed this report. Did you
16 find anything in it that mentions that the licensee's lawyer
17 had received the license and purchase authorization six days
18 before the report was completed?

19 A. No.

20 Q. Turning to the second-to-last page, could you please read
21 the recommendation?

22 A. "Revocation of the license."

23 Q. Could you please read the rest of the bolded text following
24 the words "revocation of the license"?

25 A. "Licensee failed to comply with the license division rules

I4hWcha3

Hubbard - Direct

1 and regulations. Licensee did not notify the license division
2 of his domestic incidents that occurred on August 11, 2012;
3 August 15, 2012; September 26, 2012; December 24, 2012; and
4 December 27, 2012. Licensee failed to comply with the
5 directives of the suspension letter. Licensee did not request
6 permission to sell his firearms."

7 Q. Now, on the next page, under the signature of case
8 investigator, there's a space for case supervisor's comments
9 and recommendations, and some handwriting. First, do you
10 recognize the signature right under the words "case
11 supervisor's"?

12 A. Yes.

13 Q. Whose signature is that?

14 A. Sgt. Villanueva.

15 Q. From the front page of the report, who is the case
16 supervisor?

17 A. Sgt. Villanueva.

18 Q. Going back to the last page, can you read the handwriting
19 right under the signature that you recognize as Sgt.
20 Villanueva's?

21 A. Not quite.

22 Q. All right. Can you read the handwriting in the middle of
23 that line?

24 A. Yes.

25 Q. What does that say?

I4hWcha3

Hubbard - Direct

1 A. "Cont PR CB."

2 Q. Now, going back to the second page of Government Exhibit
3 608-1, what are the four types of licenses that Edward Ticheli
4 is listed as having?

5 A. Premise business, rifle and shotgun permit, premise
6 residence and carry business.

7 Q. What two-letter acronyms would you form for these types of
8 license?

9 A. Premise business, PB; rifle and shotgun permit, RS; premise
10 residence, PR; carry business, CB.

11 Q. Does this report list the license numbers for each of these
12 four types of licenses?

13 A. It does.

14 Q. Showing you Government Exhibit 608-4, and directing your
15 attention to the top half of the page, there is a circled box
16 before the words "this letter is to advise you that your," and
17 some uncircled boxes. After that, the next paragraph has a
18 circled box. Can you please read that paragraph?

19 A. "Has been continued after a review of the facts and
20 circumstances surrounding your incident. You must contact your
21 investigator, Sgt. Villanueva or Sgt. Villanueva at (646)
22 610-5154 within 30 days of the date of this letter to reclaim
23 your license or it will be canceled."

24 Q. And there are two references to Sgt. Villanueva there. Is
25 the first one handwritten?

I4hWcha3

Hubbard - Direct

1 A. Yes.

2 Q. Now, at the top of the page, on the line after reference
3 number, there are two handwritten numbers. Turning to the
4 first, CB2009000477, does that correspond to any of the license
5 numbers from Government Exhibit 608-1, the final investigation
6 report?

7 A. It does.

8 Q. To which license number?

9 A. The carry business license.

10 Q. And what about the second one, PR100050359?

11 A. It does.

12 Q. What does that correspond to?

13 A. The premise residence.

14 THE COURT: Mr. Monteleoni, is this an appropriate
15 place to take a short, midmorning recess?

16 MR. MONTELEONI: Yes, your Honor. Thank you.

17 THE COURT: All right. Members of the jury, that's
18 exactly what we're going to do. We'll take a short recess.
19 Keep an open mind, come to no conclusions, and please don't
20 discuss the case.

21 Please recess the jury.

22 (Jury not present)

23 THE COURT: Special Agent Hubbard, you may step down.

24 (Witness not present)

25 THE COURT: Everyone may be seated.

I4hWcha3

Hubbard - Direct

1 Are there any issues that counsel want to raise?

2 MR. ROSSMILLER: No, your Honor.

3 MR. STAVIS: No, your Honor.

4 THE COURT: All right. We'll take a short recess.

5 (Recess)

6 (Jury present)

7 THE COURT: Everyone may be seated.

8 Members of the jury, we'll resume with
9 Mr. Monteleoni's continued direct examination of Special Agent
10 Hubbard.

11 MR. MONTELEONI: Your Honor, with the Court's
12 permission, I'd like to publish Government Exhibit 101 to the
13 jury for them to inspect as I continue with my next question.

14 THE COURT: That's fine.

15 MR. MONTELEONI: Thank you.

16 THE COURT: You may do so.

17 MR. MONTELEONI: Ms. Bustillo, if you could bring up
18 Government Exhibit 608-4 once more.

19 Q. Special Agent Hubbard, directing your attention to the left
20 side of Government Exhibit 608-4, could you please read what's
21 handwritten and highlighted there?

22 A. "No letter."

23 MR. MONTELEONI: And Ms. Bustillo, if you could
24 actually just remove the electronic highlighting.

25 Q. Is there actually highlighting on the document itself?

I4hWcha3

Hubbard - Direct

1 A. There is.

2 Q. Going back to Government Exhibit 608-1, the final
3 investigation report, on the last page, after the handwritten
4 notation "Cont PR CB" in the space after the case supervisor's
5 comments and recommendations, what is the handwritten date next
6 to that?

7 A. July 15, 2013.

8 Q. In connection with this investigation, did the FBI obtain a
9 cell phone from David Villanueva?

10 A. We did.

11 Q. Was a forensic review of that cell phone completed?

12 A. Yes.

13 Q. Have you inspected some extracts from that forensic review?

14 A. Yes, I have.

15 Q. I'd like to show you Government Exhibit 201. What is
16 Government Exhibit 201?

17 A. It's a forensic report of the cell phone from
18 Mr. Villanueva.

19 Q. And looking down about midway down the page to the field
20 owner name, who does it list the device's owner as?

21 A. David V.

22 Q. And where it says MSISDN, what is the number listed?

23 A. 1-516-690-1520.

24 Q. Do you recognize the format of that number?

25 A. I do.

I4hWcha3

Hubbard - Direct

1 Q. What type of format is that?

2 A. Common telephone number usage for United States telephones.

3 Q. Now, a little lower down the page, in the tethering
4 section, where it says Apple ID, what does it say is the Apple
5 ID?

6 A. Wafer74@yahoo.com.

7 Q. How does that address compare to the email address for
8 David Villanueva in Government Exhibit 307 in which John
9 chambers sent him the pictures of the watch?

10 A. The same.

11 Q. I'd like to show you Government Exhibit 203, at the page
12 marked 509, and directing your attention to the third text down
13 on page 509 and the next few texts, the third -- what is the
14 number of the sender of the third text down?

15 A. The number is 1-347-583-9002.

16 Q. And what is the parenthetical description after that
17 number?

18 A. John Cham.

19 Q. What day is the third text down sent?

20 A. July 15, 2013.

21 Q. Could you please read that text?

22 A. "Morning, Dave. Will text you later whether I am bringing
23 the tickets for this Saturday's game down to you or sending
24 them out to your house. Still same address, right?"

25 Q. And who does the phone describe the next text as sent by?

I4hWcha3

Hubbard - Direct

1 A. John Cham.

2 Q. Could you please read the next text?

3 A. "Also wondering about Giuseppe Grippi and Hanna
4 Yurkovetskaya."

5 Q. Is the text after that sent by the number described as John
6 Cham or by some other number?

7 A. Another number.

8 Q. What number is that?

9 A. The one designated for David Villanueva.

10 Q. Is that designation based on the phone report that we just
11 saw?

12 A. It is.

13 Q. Could you please read the text sent by Villanueva?

14 A. "Yes. Still same address and just officially closed out
15 your client's, the watch guy, case."

16 Q. What day did Villanueva send that text?

17 A. July 15, 2013.

18 Q. How does that July 15, 2013, date compare to the date of
19 the case supervisor's comments and recommendations on the last
20 page of Government Exhibit 608-1?

21 A. They're the same date.

22 Q. Now, staying on this last page of Government Exhibit 608-1,
23 can you read the handwriting under the commanding officer's
24 comments and recommendations?

25 A. I can read most of it.

I4hWcha3

Hubbard - Direct

1 Q. What can you read?

2 A. "I concur. W" slash. I can't make out the next word, and
3 "continue."

4 Q. When is that signed?

5 A. August 7, 2013.

6 Q. Now, was Villanueva ever arrested?

7 A. Yes.

8 Q. When was he arrested?

9 A. Approximately two years ago.

10 Q. So that would be in 2016?

11 A. Yes.

12 Q. About what month in 2016?

13 A. I believe it was June 2016.

14 Q. Was Chambers ever arrested?

15 A. Yes.

16 Q. When was he arrested?

17 A. Approximately April 2017.

18 Q. Was Chambers subsequently released on bail?

19 A. Yes.

20 Q. Now, showing you Government Exhibit 350, who sent the top
21 email in this chain?

22 A. Top email is sent by jurisdoctorjsc@yahoo.com.

23 Q. To what email address?

24 A. Edticheli@gmail.com.

25 Q. When did Chambers send this?

I4hWcha3

Hubbard - Direct

1 A. May 9, 2017.

2 Q. When was that in comparison to when Chambers was arrested?

3 A. This email was sent after he was arrested.

4 Q. Could you please read the second paragraph of this email?

5 A. "I need to know what your cost would be on a Paul Picot,
6 what it is the cheapest possible cost that you might be lucky
7 enough to find it at. You gave me one, and I couldn't wear it
8 because I can only wear gold. Allergic to all else. Gave it
9 away. Now it is coming back to haunt me. They say the value
10 is \$8,000, but I know you buy pennies on the dollar in some
11 cases. What would be the lowest you might be able to buy this
12 at. I do not have the model number."

13 Q. All right. Now, a few minutes ago you read a text in which
14 Chambers was mentioning Giuseppe Grippi. I'd like to go back
15 to that. If you could turn back to Government Exhibit 203,
16 page 509, and could you please tell me which user sends the
17 second-to-last text on that page?

18 A. Listed as John Cham.

19 Q. And could you please read the series of texts, starting at
20 the second-to-last text on this page, going down to the, on the
21 next page, including the text that starts, "I didn't re-review
22 his folder," and attribute those to the users that sent them?

23 A. John Cham: "Can I pick up Grippi permit this week?" David
24 Villanueva: "I thought they were going from rev to
25 cancellation." John Cham: "Yes, Hanna is." John Cham: "100

I4hWcha3

Hubbard - Direct

1 percent." John Cham: "But we talked about just giving
2 Giuseppe his RS back now so he can hunt." David Villanueva:
3 "I didn't re-review his folder. Have to get back to you on
4 Grippi."

5 Q. What was the date of these texts?

6 A. July 17, 2013.

7 Q. Now, I'd like to show you Government Exhibit 604-1. Could
8 you please read the title of this document?

9 A. License division, incident investigation, final report.

10 Q. What is the licensee name?

11 A. Giuseppe Grippi.

12 Q. What is the name of the case investigator?

13 A. Patsy Brewster.

14 Q. What is the name of the case supervisor?

15 A. Sgt. Villanueva.

16 Q. According to the report, how many licenses does Giuseppe
17 Grippi have?

18 A. Two.

19 Q. Which licenses?

20 A. Premise residence and rifle and shotgun permit.

21 Q. Now, what is the date of final report listed on this page?

22 A. May 2, 2013.

23 Q. How does the date of final report on this report compare to
24 the date of the texts that we just read?

25 A. The texts were sent after the date of final report.

I4hWcha3

Hubbard - Direct

1 Q. Now, turning to the last page of this report, could you
2 please read --

3 MR. MONTELEONI: Just the last page of 604-2,
4 Ms. Bustillo.

5 Let me do it using the Elmo. Oh, it's up? OK.

6 Q. On the last page of this report, could you please read what
7 follows after recommendation?

8 A. "Revocation of the license. Licensee failed to comply with
9 the license division rules and regulations. Licensee did not
10 notify the license division of his arrest that occurred on May
11 1, 2011. While the first arrest was still pending, licensee
12 was arrested again and was charged with DWI on February 11,
13 2012. Licensee pled guilty to DWAI on July 5, 2011, and on
14 April 23, 2013. Licensee demonstrated poor judgment in the
15 operation of a potentially dangerous instrument while
16 intoxicated endangering the lives of others by his actions."

17 Q. What is DWI?

18 A. Driving while intoxicated.

19 Q. Looking at the case supervisor's comments and
20 recommendations, can you read anything other than the signature
21 and date?

22 A. No.

23 Q. Can you tell whose signature it is?

24 A. I can.

25 Q. Whose?

I4hWcha3

Hubbard - Direct

1 A. Sgt. Villanueva.

2 Q. And looking at the commanding officer's comments and
3 recommendations, can you read the handwriting?

4 A. Yes.

5 Q. What does it say?

6 A. "I concur. Revoke."

7 Q. What is the date next to the signature under commanding
8 officer's comments and recommendations?

9 A. May 15, 2013.

10 Q. When is that in comparison to the texts we were just
11 discussing regarding Grippi?

12 A. The signature is the day -- approximately one or two days
13 before the texts we were reviewing.

14 Q. Well, if you could look at Government Exhibit 203, pages
15 509 and 510, those are the texts I was referring to.

16 A. I'm sorry.

17 It's approximately two months prior to the texts we were
18 reviewing.

19 Q. Showing you Government Exhibit 604-3, the first page.

20 MR. MONTELEONI: May I have a moment?

21 THE COURT: Yes. Take your time.

22 Q. Directing your attention --

23 MR. MONTELEONI: Ms. Bustillo, can we publish the Elmo
24 to the witness and the jury.

25 Q. Directing your attention to Government Exhibit 604-3, could

I4hWcha3

Hubbard - Direct

1 you please read the letterhead?

2 A. Letterhead states Police Department, License Division,
3 Commanding Officer, One Police Plaza, Room 110A, New York, New
4 York 10038.

5 Q. Who is this document addressed to?

6 A. Giuseppe Grippi.

7 Q. Could you please read the first sentence?

8 A. "Dear licensee, this is to advise you that your premises
9 residence handgun license and rifle/shotgun permit have been
10 revoked after a review of the facts and circumstances
11 surrounding your incident."

12 Q. What is the date?

13 A. June 6, 2013.

14 Q. Now, if we could go back to the texts that we were
15 discussing on Government Exhibit 203, page 510, when are these
16 texts in relation to the letter informing Grippi that his
17 licenses have been revoked?

18 A. The letter is dated prior to the texts.

19 Q. All right. So now going a little farther down the page,
20 could you read from the text that starts "let me get his folder
21 back" down to and including this text that starts "was going to
22 UPS them" near the bottom of the page and attribute the texts
23 to the users that sent them?

24 A. David Villanueva: "Let me get his folder back. I will
25 text you after I look at it." John Cham: "OK." John Cham:

I4hWcha3

Hubbard - Direct

1 "Thanks." David Villanueva: "No problem. I will get folder
2 back from Jackie." John Cham: "OK. So I'll tell him getting
3 canceled instead of revocation and trying to get RS permit
4 continued, but the pistol LIC is gone for now. Can reapply in
5 a year or two, right?" David Villanueva: "Yes." John Cham:
6 "OK. Thank you." John Cham: "Hey. I'll be down to HQ
7 tomorrow to bring you tix to Nets 1 p.m. game on Sat," smiley
8 face. David Villanueva: "Awesome." John Cham: "Was going to
9 UPS them because I've got some things for the kids but couldn't
10 get to it this week. Hopefully I'll get this to them next
11 week."

12 Q. When was that last text in which the John Cham user says "I
13 was going to UPS them because I've got some things for the
14 kids" sent?

15 A. July 18, 2013.

16 Q. I'd like to show you the box that's marked for
17 identification as Government Exhibit 102. Have you seen this
18 box before?

19 A. I have.

20 Q. Where have you seen it before?

21 A. That was provided to me by David Villanueva.

22 Q. When was that?

23 A. After he became a cooperator with the government.

24 Q. Have you maintained it in evidence since then?

25 A. Yes.

I4hWcha3

Hubbard - Direct

1 Q. If you could look at the shipping label, who is it
2 addressed to?

3 A. Shipping label is to David Villanueva.

4 Q. And showing you the return label, can you tell who the
5 listed sender is?

6 A. Yes.

7 Q. What's that?

8 A. John S. Chambers, Esq.

9 Q. Is there any organizational affiliation listed for the
10 return address?

11 A. There is.

12 Q. What?

13 A. Law office of John S. Chambers, Esq.

14 MR. MONTELEONI: We offer Government Exhibit 102 as
15 well as 102-1 through 102-15, which are photos of 102 and its
16 contents, in evidence.

17 MR. STAVIS: No objection.

18 THE COURT: Government Exhibits 102 and 102-1 through
19 102-15 are received in evidence.

20 (Government Exhibits 102 and 102-1 through 102-15
21 received in evidence)

22 THE COURT: And you may publish them as you see fit.

23 MR. MONTELEONI: Thank you, your Honor.

24 Q. You mentioned that this box is addressed to David
25 Villanueva. Is it addressed to him at One Police Plaza?

I4hWcha3

Hubbard - Direct

1 A. No, it's not.

2 Q. Could you please open the box and show the jury what's
3 inside.

4 MR. MONTELEONI: With the Court's permission, if you
5 could, I suppose, stack them up in front of the jury.

6 THE COURT: Yes. Agent Hubbard can step down.

7 MR. MONTELEONI: Thank you.

8 A. Two display cases for baseballs; a baseball that appears to
9 be signed by Carlos Beltran, with a certificate of authenticity
10 in the box; another baseball signed by José Valentin and
11 certificate of authenticity in the box; another baseball,
12 signed by David Wright, with a certificate of authenticity;
13 another baseball, signed by Willy Randolph with "let's go Mets"
14 signed on the bottom, with a certificate of authenticity;
15 another baseball signed by Ron Guidry, with associated
16 certificate of authenticity; Mickey Mantle photograph, with an
17 autograph on a wood placard; picture of Alex Rodriguez, with
18 signature and a letter of authenticity on the back; Silver
19 Royale Barbie and Celebration Barbie; and a half-torn priority
20 mail from USPS.

21 Q. Special Agent Hubbard, if I could ask you just to inspect,
22 on the box itself, the small label that's diagonally placed on
23 the top, does that list a date on it?

24 A. Yes.

25 Q. What's that date?

I4hWcha3

Hubbard - Direct

1 A. August 19, 2013.

2 Q. All right. Now, you can put that box down and resume the
3 witness stand. Thank you.

4 MR. MONTELEONI: Ms. Bustillo, if I could ask to show
5 the witness and the jury Government Exhibit 203 at page 520.

6 MR. STAVIS: Your Honor, can the items that are in
7 evidence, if they've been viewed, be moved?

8 THE COURT: Right. Why don't you just take them down,
9 Mr. Monteleoni. I was concerned about the Barbie boxes, which
10 are teetering on the jury rail.

11 Thank you, Mr. Monteleoni.

12 BY MR. MONTELEONI:

13 Q. Directing your attention to the fifth text down --

14 MR. STAVIS: What exhibit is this, Mr. Monteleoni?

15 MR. MONTELEONI: Government Exhibit 203, page 520.

16 Q. Special Agent Hubbard, when was this text sent?

17 A. August 21, 2013.

18 Q. And you testified a moment ago that the label on the box
19 was August 19, 2013?

20 A. Yes, sir.

21 Q. Could you please read that text and attribute it to its
22 sender?

23 A. David Villanueva: "Kids loved the collectibles. Brandon
24 wants his room themed baseball and Madie wants her Barbie.

25 LOL."

I4hWcha3

Hubbard - Direct

1 Q. When you looked at the Barbie dolls in Government Exhibit
2 102, did they appear to have been opened?

3 A. No.

4 Q. I'd like to return to Giuseppe Grippi. Could we turn back
5 to Government Exhibit 203, page 512, and fourth text down on
6 the page. When was this text sent?

7 A. July 26, 2013.

8 Q. Could you please read this text and the next two texts and
9 attribute them?

10 A. John Cham: "Good morning, Dave. Can I or Tina come down
11 and get Giuseppe letter and permit?" David Villanueva: "No
12 RS. Lunetta is not allowing us to issue or activate any.
13 Investigating a few permits that Endall issued. He's over
14 there now." David Villanueva: "Have to give time for it to
15 cool down."

16 Q. Special Agent agent Hubbard, in 2013, do you know who the
17 commanding officer of the license division was?

18 A. I do.

19 Q. Who was that?

20 A. That would be Deputy Inspector Lunetta.

21 Q. And who was the executive inspector at the time?

22 A. Capt. Endall.

23 Q. What's Capt. Endall's first name, by the way?

24 A. Michael.

25 Q. Now, turning to page 519, directing your attention to the

I4hWcha3

Hubbard - Direct

1 text starting, "Sorry John, found sticky," a little past
2 halfway down the page, when was that text sent?

3 A. July 26, 2013.

4 Q. Now, could you please read the texts starting with that
5 text and continuing down through the text that starts, "No way
6 can I spin it," attributing them to their users?

7 A. David Villanueva: "Sorry, John. Found sticky for this
8 case. You asked to cancel pistol and give back RS. He had two
9 DWI. Pled guilty to DWI for first and driving while impaired
10 on second. Driver's license revoked, and he took a
11 conditional." John Cham: "Yes, that's right." John Cham:
12 Dave, he's not about to get in any other trouble." John Cham:
13 Now that the wife is out the door, LOL." David Villanueva:
14 "No way I can spin it. Best that can happen is a suspension.
15 Continuance I can't explain if anyone ever looks at file.
16 Anyone with similar circumstances will get revoked or long
17 suspension. I can meet you halfway and give a short
18 suspension. Then no one will ever question."

19 Q. Now, could you read the next text and on down the next page
20 through the text starting "excellent," and attribute them?

21 A. John Cham: "That's fair enough. How much suspension
22 time?" David Villanueva: "October 1." John Cham: "Sept.
23 15?" John Cham: "LOL." John Cham: "This would be for both,
24 right?" David Villanueva: "Sept. 16, and yes." John Cham:
25 OK. Perfect. Can I get a letter to show him today?" David

I4hWcha3

Hubbard - Direct

1 Villanueva: "Today, if you want." John Cham: "Excellent.
2 That will work."

3 MR. MONTELEONI: Ms. Bustillo, could you see if we can
4 use the computer system to show Government Exhibit 604-02.

5 Q. Looking at Government Exhibit 604-02, what organization is
6 this letter from?

7 A. The New York Police Department.

8 Q. What unit of the police department?

9 A. License division.

10 Q. To whom?

11 A. To Giuseppe Grippi.

12 Q. And what's the date of the letter?

13 A. July 26, 2013.

14 Q. How does that date compare to the date of the texts that we
15 were just reading?

16 A. They're the same date.

17 Q. Could you please read the first sentence of the letter?

18 A. "Dear licensee, this letter is to advise you that after
19 review of the facts and circumstances surrounding your
20 incident, your premise residence handgun license and
21 rifle/shotgun have been suspended for a period ending August
22 16, 2013."

23 Q. Does anything in this letter mention the fact that the
24 license division sent a letter in June revoking Grippi's
25 license?

I4hWcha3

Hubbard - Direct

1 MR. STAVIS: Objection as to form, your Honor.

2 THE COURT: Sustained.

3 MR. MONTELEONI: Sorry.

4 Q. Does anything in this letter reflect that in June the
5 license division sent a letter revoking Grippi's licenses?

6 A. No.

7 MR. MONTELEONI: Ms. Bustillo, could you please show
8 Government Exhibit 604-03 side by side with 604-02, if that's
9 possible.

10 Q. Special Agent Hubbard, can you please compare these
11 letters?

12 A. OK.

13 Q. About how similar are they?

14 A. They are -- they're very similar.

15 Q. What, if any, differences do you notice?

16 A. Aside from the date, the signature at the bottom right-hand
17 corner of the letter, and essentially the body of the -- the
18 body of the paragraph -- or the body of the letter, excuse me,
19 has two different statements.

20 Q. Do you recognize the signature above the name Andrew
21 Lunetta on Government Exhibit 604-2?

22 A. I do.

23 MR. MONTELEONI: 604-2, Ms. Bustillo.

24 Q. Whose signature do you recognize that as?

25 A. Sgt. Villanueva.

I4hWcha3

Hubbard - Direct

1 Q. Now, just looking at Government Exhibit 604-2, this letter
2 says that the, lists the suspension for a period ending 8/16,
3 2013. Going back to the texts that we just read on page 514 of
4 Government Exhibit 203, in the text just before Chambers says,
5 "OK, perfect, can I get a letter to show him today," what date
6 does David Villanueva say?

7 A. September 16.

8 Q. Going to midway down this page, could you read and
9 attribute the text starting, "Hey, just looked at Grippi
10 letter" to "Anytime"?

11 A. John Cham: Hey, just looked at Grippi letter. You made it
12 until August 16. Should I keep it like that? I can make the
13 eight a nine if you need me to." David Villanueva: "You can
14 keep it like that. Just make appointment for beginning of
15 September. LOL. Once again, meet you halfway. LOL." John
16 Cham: "OK. Thanks." David Villanueva: "Anytime."

17 Q. Now, showing you Government Exhibit 403, when was this
18 email sent?

19 A. August 6, 2010.

20 Q. What is the display name of the user sending the top email?

21 A. Display name, John Chambers.

22 Q. At what email address?

23 A. Proudlypatriotic@yahoo.com.

24 Q. What's the display name of the user receiving the email?

25 A. Dave.

I4hWcha3

Hubbard - Direct

1 Q. What is the subject line?

2 A. "Forward: Membership form acknowledgment."

3 Q. Could you please read the email.

4 A. "Here is the acknowledgment for the sustaining membership I
5 got for you today. Go to the website. It will give you a list
6 of the benefits. Enjoy, bro. John."

7 Q. Now, going down to the forwarded email, what's the display
8 name of the sender of the forwarded email?

9 A. National Baseball Hall of Fame.

10 Q. What's the email address of the recipient of the forwarded
11 email?

12 A. Email address recipient is proudlypatriotic@yahoo.com.

13 Q. And what is the display name listed for
14 proudlypatriotic@yahoo.com in this email?

15 A. David Villanueva.

16 Q. Moving to the second page, what are the dues for
17 membership?

18 A. Dues for membership is \$100.

19 Q. Now, returning to Government Exhibit 203 at page 517,
20 directing your attention to the text that starts, "Hey, Dave,"
21 in the top half of the page, when was that text sent?

22 A. August 2, 2013.

23 Q. Could you read that text?

24 A. "Hey, Dave. Can you use tix to tomorrow's Mets game?"

25 Q. Now, could you read and attributed the texts starting from

I4hWcha3

Hubbard - Direct

1 "Hi, John" to "cool"?

2 A. David Villanueva: "Hi, John. Tomorrow is Cinderella day.

3 LOL. You got us the tix. LOL." John Cham: "Well, your lady

4 will love it." John Cham: "Hahahaha." David Villanueva:

5 "LOL. Hahahaha." John Cham: "Cool."

6 Q. Showing you the document that's been marked for

7 identification as Government Exhibit 109, have you seen this

8 document before?

9 A. I have.

10 Q. Where have you seen it before?

11 A. That was provided to me by Mr. Villanueva.

12 Q. When did he do that?

13 A. After he became a cooperator with the government.

14 Q. What did you do with it?

15 A. I put it into evidence.

16 MR. MONTELEONI: We offer Government Exhibit 109 into
17 evidence.

18 MR. STAVIS: Can I see the exhibit?

19 MR. MONTELEONI: It was produced in the binder.

20 We can put it up, just to counsel.

21 MR. STAVIS: No objection, your Honor.

22 THE COURT: Government Exhibit 109 is received in
23 evidence.

24 (Government Exhibit 109 received in evidence)

25 THE COURT: And you may publish it.

I4hWcha3

Hubbard - Direct

1 MR. MONTELEONI: Thank you.

2 Q. What type of document is this?

3 A. It's an email.

4 Q. What's the date of the email?

5 A. April 20, 2013.

6 Q. What address is it addressed to?

7 A. Wafer74@yahoo.com.

8 Q. Please read the text of the email.

9 A. "See attached. I hope she enjoys it. Got really great
10 reviews. J."

11 Q. According to this printout, can you read the file name for
12 the attachment?

13 A. File name, Davetix.PDF.

14 Q. What is attached?

15 A. Three tickets.

16 Q. To what production?

17 A. Cinderella.

18 Q. Where is the theater?

19 A. Broadway Theatre, address 1681 Broadway, between West 52nd
20 and 53rd Street.

21 Q. What is the date of the show?

22 A. August 3, 2013.

23 Q. And turning back for a moment to Government Exhibit 203,
24 page 517, what date was it when Villanueva wrote the text
25 "Tomorrow is Cinderella day"?

I4hWcha3

Hubbard - Direct

1 A. August 2, 2013.

2 Q. Now, going back to the tickets in Government Exhibit 109,
3 you said there were three tickets. What is the price listed on
4 each ticket?

5 A. Each ticket, \$137.

6 Q. And who is listed as the purchaser of the ticket?

7 A. John Chambers.

8 Q. Now, showing you Government Exhibit 455, who is this email
9 thread between?

10 A. Jurisdoctorjsc@yahoo.com and wafer74@yahoo.com.

11 Q. Going down to the chronologically first message, who sends
12 the first message?

13 A. Jurisdoctorjsc@yahoo.com.

14 Q. Can you please read that message?

15 A. "Dave, can you do an upgrade to a carry and a PO for the
16 following: Salvatore Campisi Jr.? See attached. Can you do
17 it in the early a.m. and Tina pick it up later in the morning?
18 Maybe you can leave envelope with Debbie. Thanks, man. Tina
19 can bring tix if you're be there, but if you won't be there,
20 we'll probably send them to you. Don't want to necessary leave
21 them with anyone. Thanks again. J."

22 Q. Can you please read the response?

23 A. "No problem. I will do it early in the a.m. Let me know
24 when Tina is on her way so I can let you know if I'm there."

25 Q. Showing you Government Exhibit 104, have you seen

I4hWcha3

Hubbard - Direct

1 Government Exhibit 104 before?

2 A. I have.

3 Q. When did you see it?

4 A. When Mr. Villanueva provided it to us.

5 Q. When did he do that?

6 A. After he became a cooperator with the government.

7 Q. Have you maintained it in evidence since then?

8 A. Yes.

9 MR. MONTELEONI: We offer Government Exhibit 104 as
10 well as 104-1 through 5, which are photos of 104, in evidence.

11 And Ms. Bustillo, if you could publish to defense
12 counsel Government Exhibits 104-1 through 5.

13 THE COURT: Any objection?

14 MR. STAVIS: No objection.

15 THE COURT: Government Exhibits 104 and 104-1 through
16 5 are received in evidence.

17 (Government Exhibits 104 and 104-1 through 104-5
18 received in evidence)

19 (Continued on next page)

20

21

22

23

24

25

I4hWcha3

Hubbard - Direct

I4HJCHA4

Hubbard - Direct

Q. So if you could just hold up Government Exhibit 104. What is Government Exhibit 104?

A. A playbill for Spiderman Turn Off the Dark.

Q. Is there anything inside the playbill?

A. Yes, there is an envelope inside the playbill.

Q. Let's take a look at the envelope. What is printed on the envelope?

A. JSC and John S. Chambers, Attorney at Law, 89 5th Avenue Suite 801, New York, New York 10003.

Q. What is handwritten on the envelope?

A. "Dave."

Q. Is there anything inside the envelope?

A. There is.

Q. What is inside?

A. Two tickets are inside.

Q. Were these tickets in the envelope when you got it?

A. Yes.

Q. Now, you said there were two tickets. To what show?

A. Spiderman, Turn Off the Dark.

Q. What is the date of the show?

A. March 4th, 2011.

Q. What does it say after purchased by?

A. "John Chambers."

Q. And what is the price listed on each ticket?

I4hWcha3

Hubbard - Direct

1 A. 142.

2 Q. Showing you Government Exhibit 420, who is the top email of
3 Government Exhibit 420 from and what is the display name?

4 A. Top email?

5 Q. Yes.

6 MR. MONTELEONI: Ms. Bustillo, if you could publish
7 Government Exhibit 420.

8 BY MR. MONTELEONI:

9 Q. What user sent the top email?

10 A. John Chambers.

11 Q. And to whom?

12 A. Wafer74 at Yahoo dot com.

13 Q. When was it sent?

14 A. November 14th, 2012.

15 Q. What does this email say?

16 A. "Here you are, enjoy."

17 Q. Now, further down the page in the forwarded email, after a
18 set of texts it says you purchased two tickets to. What show
19 us listed after you purchased two tickets to?

20 A. Wicked, New York.

21 MR. MONTELEONI: Ms. Bustillo, if you could expand the
22 selection a little bit to go down a little farther.

23 BY MR. MONTELEONI:

24 Q. Who does it say the order is for?

25 A. John Chambers.

I4hWcha3

Hubbard - Direct

1 Q. What does it say the total charges?

2 A. Total charge \$509.20.

3 Q. What is the date of the show?

4 A. November 16th, 2012.

5 Q. Now, showing you Government Exhibit 204, Page 1295,
6 directing your attention to the text that begins get her a tee.
7 When was that text sent?

8 MR. STAVIS: Our monitor is off.

9 MR. MONTELEONI: Ms. Bustillo, if you could publish
10 this to the jury.

11 (Off-the-record discussion)

12 MR. MONTELEONI: It is not on the public's screen.

13 (Off-the-record discussion)

14 BY MR. MONTELEONI:

15 Q. So this text that begins get her a tee, when was it sent?

16 A. May 9th, 2014.

17 Q. Could you please read and attribute both that text and the
18 next three texts through intermission time.

19 A. John Cham. Get her a tee or sweatshirt from us if she
20 likes any. John Cham. LOL. David Villanueva. Great play so
21 far. David Villanueva, intermission time, ha ha.

22 Q. What time was that last text sent at?

23 A. 9:17 pm.

24 Q. Showing you Government Exhibit 463. Who sent this email?

25 A. Proudly patriotic at Yahoo dot com.

I4hWcha3

Hubbard - Direct

1 Q. To what address?

2 A. ATTY JSC at Gmail dot com.

3 Q. What are the JSC initials?

4 A. JSC.

5 Q. What is his profession?

6 A. Attorney.

7 Q. What is the subject line of this email?

8 A. Dave and Jess plays theater.

9 Q. What are the first three lines of the body?

10 A. Dave and Jess plays theater, May 6, Jess, March 7, Dave.

11 Q. Looking down near the bottom of the email, do you see a
12 line that references May 6 again?

13 A. I do.

14 Q. What does it say?

15 A. "Jess birthday May 6."

16 Q. I am not asking you to read the whole, mail but generally?

17 A. Titles of Broadway productions.

18 Q. We saw an email with tickets for Wicked before. Is Wicked
19 listed there?

20 A. It is.

21 Q. We saw an email with tickets and playbill for Spiderman
22 turn off the dark. Is that musical listed here?

23 A. Yes.

24 Q. Showing you the items marked for identification as
25 Government Exhibits 111, 112 and 113, have you seen these

I4hWcha3

Hubbard - Direct

1 before?

2 A. I have.

3 Q. Where did you see them before?

4 A. We were given them by Mr. Villanueva.

5 Q. When?

6 A. After he became a cooperator with the government.

7 Q. Have you maintained them in evidence?

8 A. Yes.

9 MR. MONTELEONI: We offer governments Exhibit 111, 112
10 and 113 as well as 111-1 through 2, 112-1 through 2 and 1131
11 through 3, which are photographs of those in evidence.

12 THE COURT: Any objection?

13 (Off-the-record discussion)

14 MR. STAVIS: No objection.

15 THE COURT: Government Exhibits 111, 112, 113 and
16 111-1-2, 112-1-2 and 113-1-3 are received in evidence.

17 (Government's Exhibits 111, 112, 113, 111-1-2,
18 112-1-2, 113-1-3 received in evidence)

19 BY MR. MONTELEONI:

20 Q. If you could look at and sort of show the jury Government
21 Exhibit 113. What is this?

22 A. Playbill for The Adams Family.

23 Q. What is inside the playbill?

24 A. Tickets.

25 Q. How many tickets?

I4hWcha3

Hubbard - Direct

1 A. Two.

2 Q. Who do the tickets say who they were purchased by?

3 A. John Chambers.

4 Q. How much does each ticket say it costs?

5 A. \$69.

6 Q. The Adams Family, is that one of the plays that was listed
7 in Government Exhibit 463, the email with the listed plays?

8 A. Yes.

9 Q. Now, showing you Government Exhibit 434, who sent the most
10 recent email in Government Exhibit 434?

11 A. Proudly Patriotic at Yahoo dot com.

12 Q. To who?

13 A. Proud Patriotic at Yahoo dot com.

14 Q. On what date?

15 A. February 28th, 2014.

16 Q. The top email forwards an earlier email.

17 What is the display name of the sender of the earlier
18 email?

19 A. Telecharge Offers dot com.

20 Q. What is attached to this email?

21 A. PDF of tickets.

22 Q. Turning to the attachment, how many tickets are there?

23 A. Two.

24 Q. To what show?

25 A. The Bridges of Madison County.

I4hWcha3

Hubbard - Direct

1 Q. How much does each ticket say it costs?

2 A. \$141.00.

3 Q. Turning to Government Exhibit 463, is the Bridges of
4 Madison County listed there?

5 A. It is.

6 Q. Showing you Government Exhibit 111, if you could inspect it
7 and show the jury. What is Government Exhibit 111?

8 A. It is a playbill for Billy Elliott, the Musical.

9 Q. Is Billy Elliott, the Musical one of the plays?

10 A. Yes, it is.

11 Q. Just to complete the record, is Billy Elliott, the Musical
12 one of the plays listed in Government Exhibit 463 listing the
13 plays?

14 A. Yes, it is.

15 Q. Showing you Government Exhibit 112, if you could show that
16 to the jury as well. What is Government Exhibit 112?

17 A. A playbill for Phantom of the Opera.

18 Q. Is Phantom of the Opera one of the plays in Government
19 Exhibit 463?

20 A. Yes.

21 Q. Now, showing you Government Exhibit 204, on Page 1311,
22 directing your attention down the page to the text that starts
23 do you have tix in the bottom corner of the page. When was
24 that text sent?

25 A. July 29, 2014.

I4hWcha3

Hubbard - Direct

1 Q. Please read and attribute that text on the next two.

2 A. John Cham. Do you have tix to Marvel Universe live at
3 Nassau Coll. John Cham. I would need to make sure he's not
4 with Angie that weekend. John Cham. Would the girls want to
5 go, too, or just you and Brandon.

6 Q. Turning to the next page, directing your attention to the
7 second text on the page, please read and attribute.

8 A. David Villanueva. They'll all love that. I have the kids
9 99 percent of the time LOL.

10 Q. Now directing your attention to the text starting okay,
11 we'll text you. Could you read and attribute that text.

12 A. John Cham. Okay. We'll text you when I get back in my
13 office in a few for dates, okay. Ah, they all love it. LOL.
14 So I'll get five tickets.

15 Q. Now, on the next, Page 1313, directing your attention to
16 the text starting 23rd, 11:00 am, could you please read that
17 text and then the text down through my pleasure and attribute
18 them.

19 A. John Cham. 23rd, 11:00 am, Marvel Universe live for five.
20 John Cham. Sat. David Villanueva, that is great. TY. John
21 Cham. My pleasure.

22 Q. What day were these text sent?

23 A. July 30th, 2014.

24 Q. Now, turning to Page 1322 of the same document, directing
25 your attention to the text starting BTW, how was the show?

I4hWcha3

Hubbard - Direct

1 Who sent that?

2 A. I am sorry? Can you repeat the question.

3 Q. In the first half of the page, the phrase BTW, how was the
4 show? Who sent that text?

5 A. John Cham.

6 Q. Could you please -- well, you know, I am not going to ask
7 you to read it all out. Generally on the rest of this page,
8 what do the David Villanueva and John Chambers discuss?

9 A. August 28, 2014.

10 Q. What do they discuss generally on this page?

11 A. Apparently they're talking about a show and whether the
12 kids enjoyed it.

13 Q. Could you read the last two texts on the page and attribute
14 them.

15 A. David Villanueva: LMAO, thanks again. It was a great day
16 out. John Cham. Always my pleasure, bro, always.

17 Q. So I want to turn to another subject other than tickets.

18 Showing you Government Exhibit 412, who is this email from?

19 A. Juris doctor JSC at Yahoo dot com.

20 Q. Can you tell who it is to?

21 A. There is a single -- no, I cannot.

22 Q. What is the sent date?

23 A. The sent date, January 11, 2012.

24 Q. What is the subject line?

25 A. "Dave."

I4hWcha3

Hubbard - Direct

1 Q. What does the text say?

2 A. Dave. 16.5 X 34-35, wafer74 at man dot com.

3 Q. Are the numbers in the middle in any kind of format that
4 you recognize?

5 A. Yes.

6 Q. What format?

7 A. They're commonly attributed to the measurement for a dress
8 shirt.

9 MR. STAVIS: Objection, your Honor.

10 THE COURT: Sustained.

11 BY MR. MONTELEONI:

12 Q. So showing you Government Exhibit 432, who sent this email?

13 A. I do not reply at W gift card dot com.

14 Q. Under what display name?

15 A. Applebee's.

16 Q. To which address?

17 A. Proudly patriotic at Yahoo dot com.

18 Q. When was it sent?

19 A. December 4th, 2013.

20 Q. What is the subject?

21 A. Applebee's receipt for purchase, 208, 3081110.

22 Q. Directing your attention to the billing information, what
23 address is that?

24 A. 89 5th Avenue, Suite 801, New York, New York, 10003, United
25 States.

I4hWcha3

Hubbard - Direct

1 Q. Is that John Chambers' office address?

2 A. Yes.

3 Q. Could you please read the item description for the first
4 item.

5 A. To David Wafer74 at Yahoo dot com from John and Tina,
6 proudly patriotic at Yahoo dot com.

7 Q. Can you read the price.

8 A. \$150.

9 Q. I am showing you Government Exhibit 456.

10 Now, directing your attention to the forwarded
11 message, who is it from?

12 A. The forwarded message?

13 Q. The lower-down message, the one that later gets forwarded?

14 A. Do not reply at W gift card dot com.

15 Q. Who is it to?

16 A. Wafer74 at Yahoo dot com.

17 Q. By the way, what is the display name of the sender of the
18 forwarded message?

19 A. Applebee's.

20 Q. When was it sent?

21 A. December 5th, 2014.

22 Q. How does that compare to the last Applebee's related email
23 we just saw, Government Exhibit 432?

24 A. This email occurred roughly one year later than the
25 previous email.

I4hWcha3

Hubbard - Direct

1 Q. What is the subject line?

2 A. John and Tina sent you an Applebee's digital gift card.

3 Q. What is the amount of this gift card?

4 A. \$50.00.

5 Q. Showing you Government Exhibit 425. Who sent this email?

6 What is the display name?

7 A. The display name True Lux Seafood and Steak & Crab House.

8 Q. To whom?

9 A. Wafer74 at Yahoo dot com.

10 Q. When was it sent?

11 A. June 19th, 2013.

12 Q. Could you please read the first two sentences.

13 A. Dave Villanueva. A gift card has been purchased by John
14 Chambers on your behalf. The E-gift card was purchased for use
15 at True Lux seafood, steak & Crab House.

16 Q. Now, showing you Government Exhibit 203, at the first page,
17 page 506, now directing your attention to about the middle of
18 the page, the first text that is listed as being sent on July
19 2nd, 2013, who sent that text?

20 A. You said July 2nd?

21 Q. Yes?

22 A. 2013?

23 Q. Yes?

24 A. David Villanueva.

25 Q. What does it say?

I4hWcha3

Hubbard - Direct

1 A. "We thank you and Tina for dinner. Smiley face."

2 Q. Now, could you please read the text starting from the first
3 text after the purchase down through the text that says perfect
4 and attribute them?

5 A. John Cham. How was it? John Cham? Our pleasure. David
6 Villanueva. Great upscale place. Awesome food. John Cham.
7 Perfect. How was the trip? Kept checking the weather for SD.
8 You guys had two beautiful days.

9 Q. Showing you Government Exhibit 410, what is the display
10 name of the sender of his email?

11 A. The display name is Toys-R-Us.

12 Q. Who is it sent to?

13 A. Proudly patriotic at Yahoo dot com.

14 Q. When was it sent?

15 A. November 25th, 2011.

16 Q. What is the body of the email?

17 Can you summarize what is happening in the body of
18 this email without having to read every word?

19 A. It's talking about a gift card with, saying Dear David
20 Villanueva, hooray, and he has been given a gift card by John
21 and Tina.

22 Q. What is the amount of the gift card?

23 A. \$200.00.

24 Q. What is the message included after the Dear David
25 Villanueva hooray?

I4hWcha3

Hubbard - Direct

1 A. John and Tina has given you an E-gift card from Toys-R-Us
2 dot com and Babies-R-Us, dot com. Merry Christmas to Brandon
3 and Madison. Hope they enjoyed it. With love, J and T.

4 Q. I want to talk a little about Chambers' law practice. I
5 would like to show you what is in evidence as Government
6 Exhibit 1202. Do you recognize this?

7 A. I do.

8 Q. Have you reviewed it before testifying?

9 A. Yes.

10 Q. In general terms, what is on Government Exhibit 1202?

11 A. It is a web site NY Gun dot com.

12 Q. What business is it a web site for?

13 A. For John Chambers and talking about pistol licenses.

14 Q. In general terms, what kind of material is found on the web
15 site files that you reviewed on that disc?

16 A. It describes services provided by the law firm as well as
17 testimonials and examples of what the law firm has been able to
18 do for clients.

19 Q. What do you mean by testimonials?

20 A. There are people who have submitted on the web site, it
21 appears people have written statements to the law firm to
22 explain how much they appreciate and like their services they
23 received.

24 Q. What do you mean when you say examples as distinct from
25 testimonials?

I4hWcha3

Hubbard - Direct

1 A. They're from clients --

2 MR. STAVIS: Objection, your Honor. The item is in
3 evidence.

4 MR. MONTELEONI: It thought it would be simpler to
5 have him summarize.

6 THE COURT: Overruled.

7 BY MR. MONTELEONI:

8 Q. In general, do you mean by examples?

9 A. Of clients who have used the law services or the services
10 of the law firm and what their previous experience in trying to
11 deal with pistol licenses and what the end result was when they
12 used the law firm.

13 Q. So if you could look at the document marked for
14 identification as Government Exhibit 1202-1.

15 MR. MONTELEONI: Ms. Bustillo, if you could show that
16 to defense counsel.

17 BY MR. MONTELEONI:

18 Q. Special Agent Hubbard, have you seen that document before?

19 A. Yes.

20 Q. Is that a printout of one of the files on Government
21 Exhibit 1202?

22 A. It is.

23 Q. How does the content of Government Exhibit 1202-1 compare
24 to the content of that page in Government Exhibit 1202?

25 A. It is approximately the same.

I4hWcha3

Hubbard - Direct

1 Q. How does the formatting of the printout Government Exhibit
2 1202-1 compare to the formatting in Government Exhibit 1202?

3 A. It is a little bit different for the sake of graphic user
4 interface when you look at a web site versus a web --

5 MR. MONTELEONI: We offer 1202-1 in evidence.

6 MR. STAVIS: No objection.

7 THE COURT: Government Exhibit 1202-1 is received in
8 evidence.

9 (Government's Exhibit 1202-1 received in evidence)

10 MR. MONTELEONI: Ms. Bustillo, if you could publish
11 that to the jury.

12 BY MR. MONTELEONI:

13 Q. Looking at the header of the document, could you please
14 read the words in the very top.

15 A. Why us? NY Gun calling law offices of John S. Chambers.

16 Q. Going down to the lines below the question why choose us to
17 handle your gun license matter, please read the first bullet
18 point.

19 A. "200 plus gun licensing cases litigated."

20 Q. Turning to the next page, could you please read the top
21 bullet point on that page.

22 A. "Chambers, a former Assistant District Attorney, is the
23 only lawyer specializing in gun licensing exclusively."

24 Q. Could you please read the last bullet point.

25 A. Regularly at Police Headquarters NYC. John S. Chambers has

I4hWcha3

Hubbard - Direct

1 been regularly appearing for clients at 1 Police Plaza since
2 1986. As a young attorney, he recognized the value in delving
3 into each project and knowing the personnel within the Pistol
4 License Division in order to get a better sense of the living
5 law, and not just the handgun licensing statute and the
6 ordinances, rules of the city in this regard.

7 Q. Showing you Government Exhibit 1201, what is this?

8 A. The only one I have --

9 Q. Showing you on the screen Government Exhibit 1201, have you
10 reviewed this document before?

11 A. I have.

12 Q. What is it?

13 A. A list of clients who have used the services of John
14 Chambers' law firm.

15 Q. How many pages is it?

16 A. About 15 pages.

17 Q. Showing you Government Exhibit 414, who is this email from?

18 A. Juris doctor JSC at Yahoo dot com.

19 Q. Who is it to?

20 A. To the email address, P messing at N Y post dot com, R
21 Fredericks at NY post dot com.

22 Q. When was it written?

23 A. January 17, 2012.

24 Q. What is the subject line?

25 A. Article gun licensing today.

I4hWcha3

Hubbard - Direct

1 Q. Directing your attention to the paragraph starting not only
2 are you in correct, can you please read that paragraph and the
3 next two.

4 A. Not only are you incorrect in terms of your statement about
5 my practice and the statement made about Mr. Levine being
6 considered the gun lawyer, I am the only lawyer in NYC, NYS who
7 exclusively practices in this area with regard to litigation,
8 and I am also the only lawyer who makes regular appearances at
9 Police Headquarters specifically for pistol licensing related
10 issues only. I have always been a friend to the New York Post
11 and I have gone out of my way to provide accurate statements.

12 However, needless to say, I am most dismayed about the
13 mischaracterization about my practice versus someone who
14 dabbles in this arena.

15 Q. Going to the next page, directing your attention to the
16 paragraph starting three of the top lawyers. Please read that
17 paragraph.

18 A. Three of the top lawyers in the city, high profile lawyers
19 who have represented high profile and celeb clients and are all
20 over the TV and other media, who: One, retained me to procure
21 their concealed carry licenses; and, two, always refer gun
22 cases to me. Even though they could handle it themselves, they
23 would never do it. It is too much of a nest of uncertainty at
24 1 PP.

25 Q. Showing you Government Exhibit 408, directing your

I4hWcha3

Hubbard - Direct

1 attention to the bottom email, the first email in the thread,
2 Special Agent Hubbard, if I could ask you to look at the
3 version on the screen. The first email on the thread on the
4 second to last page, I guess, who is that email from?

5 A. Juris doctor JSC at Yahoo dot com.

6 Q. I think on the version on that page the sender is redacted,
7 but when was this sent? First of all, the recipient is
8 redacted. When did Chambers send this message?

9 A. February 22, 2011?

10 Q. What is the subject line?

11 A. One more thing.

12 Q. Can you please read the first paragraph.

13 A. Essentially I'll accept this case and put it at the head of
14 the line, so to speak. This will be expedited for --
15 redacted -- of course, I would not put this within the
16 retainer, but this is precisely how I will handle the case.
17 Again, when I do magic within the Pistol License Division for
18 any client, all the stars must be aligned.

19 Q. Are any words in what you just read in quotes?

20 A. Yes.

21 Q. Which words?

22 A. "Magic" and "stars."

23 Q. If you could skip over the next paragraph and go down to
24 read the one that starts naturally a little farther down on the
25 next page.

I4hWcha3

Hubbard - Direct

1 A. Naturally, the case for redacted would never be years. I
2 just give you the example above in order to highlight the
3 necessity to be mindful of the way the stars are aligned within
4 the PLD. Everything has to be in place and almost perfect for
5 serious accomplishments to ensue. It is not only about my
6 litigation skills and significant wins, settlements against the
7 agency, it is much more.

8 Q. Could you please go to the next email in the chain, the
9 response to that, and could you please read that email.

10 A. Believe me, John, I know and appreciate all that. Your
11 stature and your magic-making abilities are not in any way
12 questioned, nor are they underappreciated.

13 That is why I brought this important client to you.
14 You explained all of this and made the same promises just as
15 vigorously for 10 K. Again when you expected only \$8,250.00 on
16 the 12.5. Nothing has changed since you made those promises,
17 except you're getting more money than you initially thought you
18 would. So that's why I am having a hard time understanding the
19 problem. Again we'll discuss it more tomorrow. Thanks.

20 Q. Going up to the top email in this chain, could you please
21 read the first sentence, read the first paragraph.

22 A. Just to clarify for the record, my absolute bottom line was
23 10 K, and I told you this. I would never have accepted this
24 case for anything less. Your dollar sign portion of the case
25 would simply be added to the 10 K. Excuse me. 10.

I4hWcha3

Hubbard - Direct

1 Just before you added -- redacted -- to the conference
2 call, I did not really get an answer from you as to whether you
3 expected a referral fee, so I assumed maybe and added \$2,500 to
4 the 10 just in case.

5 Q. Now showing you the document marked for identification as
6 Government Exhibit 122, have you seen this before?

7 A. I have.

8 Q. Where did you see it?

9 A. This was provided to us by David Villanueva.

10 Q. When did he do that?

11 A. After he became a cooperator for the government.

12 Q. Have you maintained it in evidence since then?

13 A. Yes.

14 MR. MONTELEONI: We offer Government Exhibit 122 in
15 evidence.

16 MR. STAVIS: One moment.

17 (Pause)

18 MR. STAVIS: No objection.

19 THE COURT: Government Exhibit 122 is evidence in
20 evidence.

21 (Government's Exhibit 122 received in evidence)

22 MR. MONTELEONI: Could you please publish.

23 Q. Who is this email from?

24 A. Juris doctor JSC at Yahoo dot com.

25 Q. Who is it to?

I4hWcha3

Hubbard - Direct

1 A. Wafer74 at MSN dot com.

2 Q. When was it sent?

3 A. January 19th, 2012.

4 Q. Could you please read the first three lines.

5 A. Hey, Dave. Here's the info on that Nassau Co. guy. His
6 name is Joseph A Listrito.

7 Q. Could you please read the paragraph that starts he is only
8 paying me.

9 A. He is only paying me if he gets his license renewed. I
10 will, in turn, pay you as my consultant on the case as we
11 talked about. Smiley face.

12 Q. Are any words in quotation marks?

13 A. Yes.

14 Q. Which?

15 A. "Consultant."

16 Q. Could you please read the next paragraph.

17 A. Let's talk once you get this. I don't want him to think
18 that the renewal has happened magically. I am going to tell
19 him to keep his mouth shut when he goes to get his license, not
20 to mention me or anything, just go and get it, period. I need
21 to know how it's going to happen so he is aware that we are
22 doing it and it didn't happen for any other reason than he
23 retained us.

24 Q. Are any words in quotation marks?

25 A. Yes.

I4hWcha3

Hubbard - Direct

1 Q. Which?

2 A. "Magically."

3 Q. Showing you Government Exhibit 1003, on the first page
4 could you read the organization listed.

5 A. "Police Department County of Nassau, New York, Pistol
6 License Section."

7 Q. Who is the listed name?

8 A. Last name Listrito, first name Joseph.

9 Q. How does that name compare to the name of the individual
10 mentioned in Government Exhibit 122?

11 A. They're the same.

12 Q. Turning to the 5th page, the page full of text, please read
13 the last line of the text on the 5th page.

14 A. January 31st, 2012, license renewed, Sergeant S M.

15 Q. When is the January 31st, 2012 date for license renewed in
16 comparison to the date of the email we just saw, Government
17 Exhibit 122?

18 A. The email happened before the license renewed line.

19 Q. About how long before?

20 A. Maybe a week and a half.

21 Q. Showing you Government Exhibit 416, who is this email from?

22 A. Juris doctor JSC at Yahoo dot com.

23 Q. Who is it to?

24 A. Wafer74 at Yahoo dot com.

25 Q. When was it sent?

I4hWcha3

Hubbard - Direct

1 A. March 13th, 2012.

2 Q. Please read the subject line.

3 A. Dave, it's me, John Chambers. Proposal, investigated
4 findings.

5 Q. Please read the bottom of the email.

6 A. Just wish this case would close already. Almost six months
7 is a long time and he has been so harassed by Patsy. Let me
8 know what you think. Dave.

9 Q. Now, turning to the attachment, can you please read the
10 title of the attachment.

11 A. Title of the at meant, letter to Villanueva for --
12 (inaudible).

13 Q. Turning to the second page --

14 MR. STAVIS: 416.

15 Q. -- turning to the attachment on the second page, not the
16 file name for the attachment reproduced on the first page, but
17 the title listed on the bottom of the attachment on the second
18 page. What is that title?

19 A. "Investigative findings."

20 Q. Please read the bottom paragraph of the page.

21 A. Based upon a review of all of the documents and the fact
22 the licensee did, indeed, violate the License Division rules
23 and regulations regarding his limited carry license,
24 investigator recommends suspension, six months, until March
25 29th, 2012.

I4hWcha3

Hubbard - Direct

1 Q. To be clear, was John Chambers an NYPD investigator in
2 2012?

3 A. No.

4 Q. How does the March 29th, 2012 date that it says
5 investigator recommends suspension be until, how does that date
6 compare the date this email was sent?

7 A. The date for suspension completion is to be two weeks after
8 the email was sent.

9 Q. Now, showing you Government Exhibit 430, directing your
10 attention to the second page, the lower-down email on that
11 page, who sent that?

12 A. Juris doctor JSC at Yahoo dot com.

13 Q. When was it sent?

14 A. October 3, 2013.

15 Q. Could you please read the email starting from you should
16 make your Nassau Co. contracts.

17 A. You should make your Nassau Co. contracts very tight. You
18 should take good care of Nassau clients because NC doesn't give
19 a crap about what anything including applicants.

20 All applicants are now being made to wait a very long
21 time, even with clean records. If you come across a big fish,
22 and I am talking about big fish, there may be a way around it
23 but I use that limitedly.

24 Q. Turning to the top email in the chain, who wrote the top
25 email in the chain?

I4hWcha3

Hubbard - Direct

1 A. Juris doctor JSC at Yahoo dot com.

2 Q. Please read the emails starting from seriously.

3 A. Seriously, if you have someone with the money and he is
4 willing to part with the money for license, or if he has an
5 incident on a current license which is under suspension, we can
6 assist. You would have to refer him directly to us and say no
7 more, no fee approximation, et cetera. Generally I will do a
8 paid consultation over the phone during which I will quote a
9 price, a high price.

10 You will be nicely compensated for workup sheet delineating
11 the facts and circumstances if he retains us. Give you an
12 example. Guy with sportsman LIC wants carry for his business.
13 He goes to Nassau Co., and they tell him if he is going to get
14 it, it could take up to a year and a half. Guy verifies with
15 friends who are in the system. He comes to us. He has his
16 upgrade to a full carry in three weeks in Nassau County. I
17 can't stand them out there.

18 However, on a limited basis for high rollers, I can get
19 things done, guaranteed and quick, but again few and far
20 between as I never believe in wearing out your welcome, if you
21 get my drift.

22 MR. MONTELEONI: Your Honor, I am about to move on to
23 a new topic now.

24 THE COURT: Let's keep going.

25 BY MR. MONTELEONI:

I4hWcha3

Hubbard - Direct

1 Q. So I want to talk about a different aspect of Nassau
2 County, Nassau County was mentioned in the last email. Showing
3 you Government Exhibit 440, who sent this email?

4 A. Juris doctor JSC at Yahoo dot com.

5 Q. To who?

6 A. Wafer74 at Yahoo dot com.

7 Q. When was it sent?

8 A. August 12, 2014.

9 Q. Please read the first paragraph.

10 A. "David. I am sending you their Nassau County licenses.
11 They want to continue their carry licenses, don't want to
12 downgrade to target sportsman. They want to be able to carry
13 all the guns they own under a license throughout the state,
14 with the exception of NYC and they downgrade to a target
15 sportsman in Nassau. The NYC carry they have means they can
16 only carry two guns statewide.

17 Q. Read the subject line.

18 A. Nassau Co. license amendments.

19 Q. Could you please read the paragraph starting they want.

20 A. They want to transfer their Nassau County carry licenses
21 from Victoria package -- Victoria packaging to Aquilina
22 Industries.

23 Q. Can you read the two paragraphs toward the end starting
24 with dude.

25 A. Dude, this is a big one. Hopefully, we can get this one

I4hWcha3

Hubbard - Direct

1 done together. Anything else for the change needed? They're
2 willing to do whatever it takes.

3 Q. Now, showing you Government Exhibit 204, at Page 1316,
4 directing your attention to the text about a third of the way
5 down the page at 2:50 pm on August 13, 2014, please read and
6 attribute that text.

7 A. Just the single text?

8 Q. Yes, just that one?

9 A. John Cham. Anything on Nassau yet?

10 Q. When is this text in relation to the email we just saw?

11 A. That was Government Exhibit 440?

12 Q. Yes.

13 A. This text was sent the day after the email.

14 Q. A little past halfway down the page, please read and
15 attribute the text starting we'll let them know?

16 A. John Cham. We'll let them know. How is your relationship
17 going out there? Do you think we have a shot at this?

18 Q. Can you skip down to the text that starts I will try and
19 read and attribute that one, and all the way down to the text
20 on the next page that reads yes, fingers crossed.

21 MR. STAVIS: What page is this?

22 MR. MONTELEONI: Page 1317, I believe of -- 1316 of
23 Government Exhibit 204.

24 A. David Villanueva. I will try my best. LOL. John Cham.
25 Okay. Have you been doing things for him? John Cham. LOL.

I4hWcha3

Hubbard - Direct

1 Any gut feeling? David Villanueva. I will let you know what
2 feeling I get out of it after I talk to him. John Cham. Well,
3 that's good at least, building a relationship. David
4 Villanueva. Yeah, a little thing, nothing major. David
5 Villanueva. Yes. Fingers crossed.

6 Q. Now turning to Page 1320 of the same document, directing
7 your attention to the text that starts hi, Dave, near the top
8 of the page, when was that text sent?

9 A. August 27, 2014.

10 Q. When is that in comparison to the text you just read?

11 A. Approximately two weeks later.

12 Q. Could you please read the text, read and attribute the text
13 starting from that one and going through the text that says
14 104.

15 A. John Cham. Hi, Dave. Just checking in about Aquilina.
16 Love to get them in the office with docs and pima maybe on
17 Friday.

18 I am holding off to hear confirmation from you. It's fine
19 if it will take a couple of weeks, just want to make sure you
20 contact, looked at files and everything is a go before I get
21 dollar, sign dollar, sign dollar, sign cash. John Cham. No
22 worries. But do you know if it is absolutely a go? David
23 Villanueva. Only one problem. Tom is on vac and so am I until
24 next week. So we'll prob. get done next week. John Cham.
25 Okay. Just so I'm clear. We do not have a green light yet for

I4hWcha3

Hubbard - Direct

1 Nassau County. David Villanueva. Tom told me no worries, but
2 you and I know until we don't see it, it's not done. John
3 Cham. Right. Do you think I should get the money? John Cham.
4 Did Tom look at the files? David Villanueva. I just texted
5 him. Give me a few. John Cham. Perfect. David Villanueva
6 Tom Houghton Nassau Pistol. John Cham. 10-4.

7 THE COURT: Is this an appropriate place?

8 MR. MONTELEONI: Absolutely.

9 THE COURT: Members of the jury, we are going to take
10 our luncheon recess at this time. Keep an open mind. Come to
11 no conclusions and don't discuss the case. We'll resume at
12 2:00 o'clock promptly, so please be back here ready to go.

13 Please recess the jury.

14 THE CLERK: All rise. Jury exiting.

15 (Jury excused)

16 THE COURT: Special Agent Hubbard, you're excused
17 until 2:00 o'clock.

18 THE WITNESS: Thank you, sir.

19 (The witness left the witness stand)

20 THE COURT: Everyone may be seated. Any issues?

21 MR. ROSSMILLER: Not from the government, your Honor.

22 MR. STAVIS: No, your Honor.

23 THE COURT: How much longer do you have you have on
24 direct?

25 MR. MONTELEONI: At least an hour. It could be a

I4hWcha3

Hubbard - Direct

1 little more, a little less.

2 THE COURT: I am not holding you. I want to get some
3 sense. All right. Have a good lunch, everyone. I'll see you
4 at 2:00.

5 (Luncheon recess)

6 (Continued on next page)

I4hWcha5

Hubbard - Direct

AFTERNOON SESSION

2:00 p.m.

(Jury present)

THE COURT: All right. Everyone may be seated.

Good afternoon, members of the jury.

JURORS: Good afternoon.

THE COURT: That sounds a little weak. You just had lunch. You're fortified and ready to go. All right?

We're going to resume where we left off before the luncheon recess with Mr. Monteleoni's continued direct examination of Special Agent Hubbard.

You may proceed.

MR. MONTELEONI: Thank you, your Honor.

Q. Special Agent Hubbard, before the break, we read a series of texts on Government Exhibit 204, page 1520.

MR. MONTELEONI: Could we just pull up that page again.

Q. The texts that you just read ended with a text from John Chambers saying "10-4." Could you please read starting from the next text, which starts, "You worked out the details" down through the text on the next page that begins "I told them it's not like NYC," and attribute those texts?

A. David Villanueva: "You worked out the details with the brothers?" John Cham: "Bring me cash on Saturday to my office. Maybe we can do dinner next Friday." John Cham:

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Hubbard - Direct

1 "They will pay two-thirds now and the rest when the permits are
2 in hand." John Cham: "Is it Tom that knows Ben?" John Cham:
3 "I told them it's not like NYC. Nassau County is sticky and
4 we're going to do it as fast as we can, but they have to have a
5 little more patience."

6 Q. Now, if you could skip down a little farther to the text
7 that starts, "OK, perfect," could you please read and attribute
8 that text and down through the next page, the text that starts,
9 "Sounds like a plan"?

10 A. I'm sorry. You said the text that begins --

11 Q. So beginning with the text that starts, "OK, perfect"?

12 A. John Cham: "OK. Perfect. We'll touch base about that
13 next week. Glad you found a friend out there." John Cham:
14 "Ah, sweet doors too. LOL." David Villanueva: "LOL. Opens
15 doors for us. LOL." David Villanueva: "LOL. So, so, so
16 true." John Cham: "I know you can never overload him, but
17 when you get closer, we will have some other money guys who
18 need help out there. Maybe not quite as rich as these two men
19 are, but well-off nonetheless, and they will want to either get
20 a license or keep a license." David Villanueva: "We have to
21 spread them out so, as you said, we won't overload them." John
22 Cham: "Yes, and hopefully he will seek something from you in
23 the meantime." David Villanueva: I'm sure he will need
24 something from me soon." John Cham: "As soon as that happens,
25 let me know, and we will let a little time go by and we will do

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Hubbard - Direct

1 another project. LOL." David Villanueva: "Sounds like a
2 plan. LOL."

3 (Recess)

4 THE COURT: Next question, Mr. Monteleoni.

5 MR. MONTELEONI: Thank you, your Honor.

6 Q. Could you turn to page 1323, and directing your attention
7 to the text about a third of the way down the page, starting,
8 "We'll probably work a little tomorrow," can you please read
9 and attribute that?

10 A. John Cham: "We'll probably work a little tomorrow and then
11 see the Aquilinas tomorrow. BTW, do you still need their
12 licenses emailed to you? The new licenses should be exactly
13 the same as ones they have now except Aquilina Industries, LLC,
14 at the same address."

15 Q. Could you please read the text midway down the page from
16 John Cham at 4:17:24 p.m. on 8/30, 2014?

17 A. "The eagle has landed."

18 Q. Turning to page 1329, what's the date of the first text on
19 the page?

20 A. September 4, 2014.

21 Q. Could you please read and attribute from that text down
22 through the text that starts, "I am so happy"?

23 A. John Cham: "In the meanwhile, what's going on with Nassau
24 County? Any word from Tom? Can we push him at all? I know he
25 was out Mon. and Tues. for the holiday, but since the eagle

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Hubbard - Direct

1 landed, I'm hoping we can get this moved forward." John Cham:
2 OK. Good. And BTW, both Gerry and Ben have given me
3 passport-type photos if those can be used. Don't know if they
4 have scanning ability or not, instead of having the guys go to
5 Nassau Co HQ." David Villanueva: "I will reach out to him
6 later. That I'm not worried about. It's a done deal." John
7 Cham: "That would be great." David Villanueva: "OK. I will
8 check with Tom." David Villanueva: "This was a huge step
9 forward with Nassau." John Cham: "I am so happy. There are
10 plenty of cases out there. We can be picky and only take those
11 willing to pay the fare, but it would be nice to be able to do
12 a handful a year together. Of course, not all are as wealthy
13 as the Aquilina brothers, but most are willing to pay pretty
14 well to get things done. If we have a 'friend' there, yes,
15 that's excellent."

16 Q. Were there any quotation marks around any of the words in
17 the last texts?

18 A. Yes.

19 Q. Which?

20 A. Friend.

21 Q. Now could you read and attribute from the next text down
22 through the text that starts, "If we play our cards right"?

23 MR. STAVIS: Also on page 1324?

24 MR. MONTELEONI: 1329, yes.

25 A. David Villanueva: "Yes, we def have a friend. Let's see

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Hubbard - Direct

1 how far we can stretch him. LMAO." John Cham: "I think we
2 should do the guy with the family hair salons next. They've
3 got like seven or eight with lots of cash. Really is a ground
4 ball. He's got no arrests or DIRs, etc. He's been waiting
5 since last year when everything went to hell after Mistretta
6 left. He's ready to go when we are ready." David Villanueva:
7 "K. We will try to push him next." John Cham: "Good. That's
8 why if we can get Gerry and Ben done, we can exhale a few
9 minutes and then approach him on this guy. Forgot his name,
10 but he was referred by a friend, so I'll be able to touch base
11 with him again when you're ready." John Cham: "Perfect."
12 David Villanueva: "That sounds like a plan." John Cham: "If
13 we play our cards right, you could potentially be looking at an
14 extra 10K in cash in a 12-month period, give or take, just for
15 being my Nassau Co 'consultant.'"

16 Q. Were there any quotation marks around any of the words in
17 that last text?

18 A. Yes.

19 Q. Which?

20 A. Consultant.

21 Q. Could you please read and attribute the next text and the
22 first three texts on the next page?

23 A. John Cham: "Not a bad thing, considering you're getting
24 married in October. Hopefully Tom will work out well." David
25 Villanueva: "LMAO, not a bad gig at all." David Villanueva:

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Hubbard - Direct

1 "Funny, all I thought was wedding money. LMAO." John Cham:
2 "LOL."

3 Q. Turning to page 1332, about midway down, directing your
4 attention to the text that starts, "Hey, Dave," when was that
5 one sent?

6 A. August 8 -- sorry. September 8, 2014.

7 Q. Please read and attribute from that text through the text
8 that starts "tomorrow."

9 A. John Cham: "Hey, Dave. Wondering when do you think you
10 will have the Nassau licenses for Aquilinas in our hands?"

11 David Villanueva: "John, everything is hold for today cause of
12 that case front page Post." David Villanueva: "He's a

13 licensee in Nassau." John Cham: "The crack-dealing thug cop?"

14 John Cham: "OK, but they paid 50 percent with final payment
15 when renewed license is handed to them, and they paid cash. I
16 have a payment in hand for your consultation services, \$1,500,
17 with your final \$1,500 when renewals are in hand. Today is no
18 good. I understand that. But can I give them some kind of

19 time frame?" David Villanueva: "Tomorrow the change will be
20 done."

21 Q. Turning to the top of the next page, when was the first
22 text sent?

23 A. September 8, 2014.

24 Q. Please read and attribute that text.

25 A. David Villanueva: "Hey, John. Did you send me the exact

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Hubbard - Direct

1 name and address of new business for the brothers? Tom is
2 working on it."

3 Q. Could you read and attribute the text that starts "Aquilina
4 Industries LLC"?

5 A. John Cham: "Aquilina Industries LLC, 313 West Old Country
6 Road, Hicksville. Address stays the same as old license."

7 Q. Showing you the first page of Government Exhibit 1002,
8 could you please read the title at the top of the page?

9 A. Police Department, County of Nassau, New York, Pistol
10 License Section.

11 Q. Could you please read the first and last name listed?

12 A. Gerald Aquilina.

13 Q. Turning to the fifth page, there's a series of entries on
14 this page. Could you please read the date of the top entry?

15 A. September 8, 2014.

16 Q. How does that compare to the date of the texts we just
17 read?

18 A. Same date.

19 Q. Now, could you please read the associated comment?

20 A. "Business name changed from Victoria Packing to Aquilina
21 Industries LLC. Address is still the same. TH."

22 Q. Showing you Government Exhibit 1001, on the first page,
23 could you please read the first and last name?

24 A. Benjamin Aquilina.

25 Q. Turning to the 16th page, could you please read the date of

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Hubbard - Direct

1 the top entry on the list of entries on the 16th page?

2 A. September 8, 2014.

3 Q. How does that compare to the date of the last texts we
4 read?

5 A. Same date.

6 Q. Could you please read the comment?

7 A. "Name changed from Victoria Packing to Aquilina Industries
8 LLC. Address remains the same. TH."

9 Q. Now, turning back to Government Exhibit 204, page 1349,
10 directing your attention to the text near the top starting,
11 "Hey, I was talking," when was that sent?

12 A. September 13, 2014.

13 Q. Could you please read and attribute that text and the next
14 one?

15 A. David Villanueva: "Hey, I was talking to Tom on a case in
16 Nassau today. What's the deal with the brothers?" John Cham:
17 "They want to pick up their new plastic licenses with the new
18 name on next week if possible. Remember, one is renewed in
19 April; the other one not until Sept. of year from now."

20 Q. Now, near the bottom of the page, directing your attention
21 to the text starting, "Thurs. is good," when was that sent?

22 A. September 16, 2014.

23 Q. Could you read and attribute the text starting, "Thurs. is
24 good" and keep reading on to the next page to the text saying,
25 "Tom Houghton"?

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Hubbard - Direct

1 A. David Villanueva: "Thurs. is good for Tom if the brothers
2 want to go." John Cham: "Can they go Thurs.?" David
3 Villanueva: "Yes, they can go." John Cham: "Title? Is he in
4 pistol area?" John Cham: "Cool." John Cham: "Perfect. Who
5 do they see?" David Villanueva: "Tom Houghton."

6 Q. Now, could you please skip down a little to a little below
7 the middle of page, the text starting, "How much do they
8 actually know," and read that text and the one after it?

9 A. John Cham: "How much do they actually know about you? I
10 mean, if they are seeing Tom, they should know you are sergeant
11 at PLD in NYC, right? They already obviously know your name,
12 LOL, but how much more do you think is necessary?" David
13 Villanueva: "They know me from the city, and we have mutual
14 friends, like Endall. Tom doesn't know me on a personal
15 level."

16 Q. Showing you Government Exhibit 446, directing your
17 attention to the bottom email on the first page, who is it
18 from, to and when?

19 A. It's from jurisdoctorjsc@yahoo.com to name Gerry Aquilina,
20 September 16, 2014.

21 Q. And how does that date compare to the date of the text we
22 just read?

23 A. Same date.

24 Q. Could you please read the first two paragraphs?

25 A. "Word finally came down. You can go on Thursday. You are

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Hubbard - Direct

1 seeing Police Officer Tom Houghton."

2 Q. Could you please read the paragraph that starts "David
3 Villanueva"?

4 A. "David Villanueva, your very good friend, you met through a
5 lieutenant who used to be down at the pistol license division a
6 couple years back named Lt. Mike Martin. Just say he is a
7 really great guy. Tom doesn't know Martin at all and does not
8 know Villanueva personally. I know you can handle it." Smiley
9 face.

10 Q. Now going back to Government Exhibit 204, turning to page
11 1351, what date is the text near the top of the page that
12 starts, "Have a few more"?

13 A. September 18, 2014.

14 Q. Could you please read and attribute that text and the next
15 two.

16 A. John Cham: "Have a few more baseball things for Brandon.
17 Is he still into it?" David Villanueva: "LOL. Yes, he is."
18 John Cham: "Cool."

19 Q. On the next page, page 1352, directing your attention to
20 the text that starts, "Also spoke," about a third of the way
21 down the page, when was that sent?

22 A. September 20, 2014.

23 Q. Please read and attribute that.

24 A. David Villanueva: "Also spoke to Tom from Nassau. All is
25 good with the brothers. It worked out better than what you and

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Hubbard - Direct

1 I expected."

2 Q. Turning to page 1360, directing your attention to the
3 second text down, what day was that sent?

4 A. September 27, 2014.

5 Q. Could you please read and attribute the texts starting from
6 that one through the texts starting, "LMAO, hahahaha"?

7 A. David Villanueva: "FYI, as of Monday, Anthony Clemente
8 will be assigned, and I should be getting draws back also.

9 This week is a short week. I need a break, so going to Bahamas
10 Thursday. Had to use credit card, but need a break from work.

11 LOL." John Cham: "Hey, that's for you. Enjoy." John Cham:

12 "You know, I have that 1,500 in an envelope in my office for

13 you so you can pay off the credit card." John Cham: "No

14 message?" David Villanueva: "LMAO. Hahahaha. I'm so

15 mentally tired with work, I forgot all about that. Hahahaha."

16 Q. Going back to page 1339 on Government Exhibit 204,
17 directing your attention to the third text down on the page,
18 when was that sent?

19 A. Sorry. You said third text down?

20 Q. Yes.

21 A. September 11, 2014.

22 Q. About when is that in relation to the time period when
23 Chambers and Villanueva were discussing the Aquilinas in the
24 texts we just read?

25 A. About the same time.

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Hubbard - Direct

1 Q. Could you please read and attribute that text and down
2 through the text starting, "Yeah, but it can become a gray
3 line"?

4 A. David Villanueva: "I got a call from an NJ attorney to
5 hire me as a consultant for one of his billionaire clients.
6 Guy is moving to Nassau and wants a license. Attorney rather
7 not travel to NY. Offered me 8Ks and travel expenses. LOL,
8 but I had to decline. Wanted to pay me up front." David
9 Villanueva: "No. He's off til Monday." John Cham: "Wow."
10 John Cham: "Why decline? Not NYC." David Villanueva:
11 "Exactly. LOL." David Villanueva: "Yeah, but it can become a
12 gray line, so rather not deal with it especially I don't know
13 them on a personal level."

14 Q. Could you please read and attribute from the next text all
15 the way down this page and through the next page with the text
16 that starts, "As long as Tom"?

17 A. John Cham: "Why not send them through me?" David
18 Villanueva: "He got my name from a dealer." David Villanueva:
19 "First thing he told me when I said I was out was doesn't want
20 an attorney or just anyone. Wants someone who works or worked
21 license." John Cham: "OK, but I'm not just an attorney, and
22 if you sent him to me, he would probably figure out why." John
23 Cham: "LOL." David Villanueva: "Kept telling me his client
24 will pay for your travel expenses. LOL. He's like if you take
25 a helicopter there, they will pay for it. LMAO." David

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Hubbard - Direct

1 Villanueva: "He's calling me again later. Wants me to tell
2 him the app process." John Cham: "No, Dave. Listen to me.
3 If he say call Chambers, he will understand that it's really
4 you doing it. Know what I mean? I would change him 10K, no
5 expenses, LOL, and we could split it. You don't have to lose
6 this entirely." John Cham: "As long as Tom is working for
7 you."

8 Q. Can you read and attribute from the text that starts,
9 "Never want to let" through the text that starts, "Absolutely,
10 I will try"?

11 A. John Cham: "Never want to let a big fish go." David
12 Villanueva: "LOL. True." John Cham: "You just say Chambers
13 will take care of you. He's not like most lawyers. He's also
14 a friend. At that point he will realize -- wink, wink -- it
15 will be you doing it with me being retained so you don't have
16 to deal with the gray area." John Cham: "So your hands are
17 clean." John Cham: "You need say nothing else." David
18 Villanueva: "Absolutely. I will try to sell him that point.
19 Sounds like a plan to me. Have to get him to bite."

20 Q. Skipping to the next page, page 1341, please read and
21 attribute from the text that starts, "I would charge more"
22 through the text that says, "It's a no-go."

23 A. John Cham: "I would charge more. You can do this fast,
24 right? If you can, it is worth more." John Cham: "Thinking
25 15." John Cham: "If you did self, might take more than a year

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Hubbard - Direct

1 and get denied." David Villanueva: "I'm calling him back in a
2 few." John Cham: "OK." David Villanueva: "It's a no-go."

3 Q. We've been reviewing some emails and texts relating to
4 licenses in Nassau County. Now I'd like to return to New York
5 City matters. Showing you Government Exhibit 204, page 1333,
6 directing your attention to the text about midway down the
7 page, starting, "Dave, when you get a chance," when was that
8 sent?

9 A. September 9, 2014.

10 Q. About when was that in relation to the time period of the
11 texts we've seen about the Aquilinas?

12 A. Approximately the same time.

13 Q. Could you please read and attribute that text and the rest
14 of the texts on the page down to the text saying, "I feel your
15 pain"?

16 A. John Cham: "Dave, when you get a chance, can you finish
17 Travis Melendez? That's the kid who inadvertently used his
18 kids' MetroCard. ACD ended two weeks ago or so. I gave you
19 dispo." David Villanueva: "Can't make promises when they have
20 me doing everything except my work." David Villanueva: "LOL."
21 John Cham: "I know." John Cham: "I feel your pain."

22 Q. Showing you Government Exhibit 448, what address is the top
23 email in the chain from?

24 A. Jurisdoctorjsc@yahoo.com.

25 Q. Who is it to, and what's the date?

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Hubbard - Direct

1 A. Wafer74@yahoo.com, September 20, 2014.

2 Q. When is that in comparison to the text we just looked at?

3 A. It's approximately 11 days after the text.

4 Q. So looking down at the first email in the chain with the
5 reference to the name Travis Melendez, how does that compare to
6 the name discussed in the text we just looked at?

7 A. They're the same.

8 Q. Directing your attention to, in the top message, the
9 sentence starting, "You told me to wait," could you read the
10 rest of the email from that sentence down?

11 A. "You told me to wait and do nothing else. This is now
12 making me look really, really, really, really bad, but this is
13 not fair to me. My clients are getting second notices, when
14 you and I have spoken about the case and I brought all the
15 documents required, like the first dispo and final dispo and
16 the affidavit of description. Based on our conversations, I
17 thought everything was under control. Otherwise I would have
18 had the licensee call directly. I'll have Melendez call Patsy
19 on Monday, but this is not fair to me."

20 Q. Showing you Government Exhibit 449, there are three emails
21 on that page. Directing your attention to the middle email on
22 the page --

23 MR. MONTELEONI: If you could pull out, Ms. Bustillo,
24 a moment.

25 Q. -- what's the middle email responding to?

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Hubbard - Direct

1 A. The email I just read.

2 Q. All right. Now focusing on the middle email, who is
3 sending it?

4 A. Wafer74@yahoo.com.

5 Q. Could you please read it?

6 A. "What's not fair is that I have a ton of work and bend over
7 backwards to help you all the time. What's not fair to me is
8 that I have cases over one and a half old and have to get them
9 done also. What's not fair to me is that I have two
10 investigators. What you don't realize that Nassau became your
11 priority and don't realize how difficult it was. I did all the
12 work with Nassau and made you look good and told makes things
13 worse. I'm taking him out to lunch Monday as a thank you for
14 his help. So let's not start with what's fair."

15 Q. Could you please read the reply to that message?

16 A. "Nassau County is separate and benefits both of us big
17 time. As far as fair, I would have told Travis to call Patsy
18 if we had not talked many times about him and you had not asked
19 to bring you dispo, affidavit, etc., to you. Makes me look
20 like I'm just blowing smoke when a client gets a second notice
21 when we have been talking. Making me look like I'm lying."

22 Q. Showing you Government Exhibit 450, looking at the 8:52
23 p.m. email in this chain -- sorry, the 8:39 p.m. email, below
24 that, is that responding to the same email that started this
25 chain?

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Hubbard - Direct

1 A. Yes.

2 Q. All right. Could you please read the 8:39 -- in fact,
3 could you please read the 8:39 email and then each of the
4 replies and starting there and working up in time?

5 A. From wafer74@yahoo.com: "Monday, I will give the
6 investigators every piece of paper needed that you have
7 forwarded to me, and I will have all cases done on first-come
8 basis. Then we don't have to worry and we both know they will
9 be treated like any other case in rotation."

10 Jurisdoctorjsc@yahoo.com replies, "That's fine."

11 Wafer74@yahoo.com writes, "OK. So from this point on, all
12 incident cases will be just that, rotation cases."

13 Jurisdoctorjsc@yahoo.com replies, "What you say."

14 Wafer74@yahoo.com replies, "K."

15 Q. Looking down to the bottom of this page on Government
16 Exhibit 450, what's the date and time that the email that
17 started this whole chain was sent?

18 A. September 20, 2014, 7:44 p.m.

19 Q. Oh, sorry. The first one from Chambers to Villanueva, on
20 the bottom of the first page.

21 A. Sorry.

22 September 20, 2014, at 8 p.m.

23 Q. Now showing you Government Exhibit 204, page 1353, can you
24 see on that the date and time of a first text message that is
25 sent after that September 20, 2014, 8 p.m. email we just saw

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Hubbard - Direct

1 that started the chain?

2 A. Yes.

3 Q. All right. What's that date and time?

4 A. September 24, 2014, at 8:42 a.m.

5 Q. Could you please read and attribute that text?

6 A. David Villanueva: "FYI, your MetroCard guy is finished.

7 Just don't see the voucher. Need voucher to type up release

8 tomorrow. Tomorrow is my only day in office this week."

9 Q. This text mentions a MetroCard guy. Looking back to

10 Government Exhibit 448, can you please read the first sentence

11 of the second paragraph, up until the dash?

12 A. "This is the guy who used the MetroCard. He had both his

13 daughter's MetroCard and his son's that he was holding for them

14 because they always lose their cards."

15 Q. Now, back to page 1353 of Government Exhibit 204, could you

16 read from the text that starts, "Between the BS inspections"

17 and down through the text that says, "No jokes," and attribute

18 them?

19 A. David Villanueva: "Between the BS inspections and details

20 I'm never in, that's why I want you to understand I've and will

21 always bends backwards for you, but I can't do much if Paul has

22 me running around." John Cham: "That is fucked up." John

23 Cham: "I know you do and I appreciate it always." David

24 Villanueva: "No joke."

25 Q. On page 1354 of Government Exhibit 204, directing your

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Hubbard - Direct

1 attention to the text beginning with, "You know I love you,
2 man," when was that sent?

3 A. September 24, 2014.

4 Q. Could you please read and attribute the texts from that one
5 through to the next page, the text that starts with, "John, you
6 know I love you, bro"?

7 A. John Cham: "You know I love you, man, and I'm always there
8 for you too." John Cham: "And I'm sorry about the fight. I'm
9 sorry about my part in the fight." David Villanueva: "John, I
10 felt terrible, and I'm deeply sorry. It had nothing to do with
11 you. You just become my outlet of the nonstop frustration I'm
12 going through. I'm sorry I took it out on you. Not personal
13 one bit." David Villanueva: "It was the frustration building
14 up. Hey, I made Patsy close out MetroCard guy. LMAO." David
15 Villanueva: "John, you know I love you, bro. Known each other
16 for over 12 years."

17 Q. Could you please read and attribute the text about a third
18 of the way down the page starting with, "Yeah, if you can get
19 me"?

20 A. David Villanueva: "Yeah, if you can get me voucher for
21 Metro guy, I will do release tomorrow."

22 Q. I'd like to return to Nassau County. Showing you
23 Government Exhibit 453, what's the display name and the user
24 that sent this email?

25 A. John S. Chambers, Esq.

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Hubbard - Direct

1 Q. What's the display name of the recipient?

2 A. David Villanueva and family.

3 Q. When was it sent?

4 A. Tuesday, November 4, 2014.

5 Q. About when is that in relation to the texts that we just
6 saw about the argument over Travis Melendez?

7 A. It's approximately two months after.

8 Q. What's the subject line?

9 A. "Any possibility of seeing whether David Jimenez can avoid
10 an Article 78?"

11 Q. Could you please read the paragraph that starts, "For a
12 quick \$500 cash"?

13 A. "For a quick \$500 cash, maybe you can see if Tom would be
14 willing to grant this license. Jimenez has done all the work,
15 and his application is already in. And the file should be
16 really thick from when I worked with him while Sal was CO."

17 Q. Could you please read the last sentence starting "also"?

18 A. "Also, Brandon should be expecting a box before Friday."

19 Q. Showing you Government Exhibit 454, scrolling down, is this
20 a thread responding to the email that we've just looked at?

21 A. Yes.

22 Q. All right. On the second page, at the bottom of the second
23 page, could you read the date and time and sender of the bottom
24 email?

25 A. November 4, 2014, 5:29 p.m., from wafer74@yahoo.com.

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Hubbard - Direct

1 Q. Could you read the message?

2 A. "I actually spoke to Tom today. He's off til Friday. I
3 will see what he tells me on Friday. You're spoiling Brandon.
4 LOL."

5 Q. Could you please read the response?

6 A. The response: "Hey, Dave. Just a reminder about Jimenez.
7 Thanks."

8 Q. And what's the response to that?

9 A. "LOL. NP. Will call tomorrow."

10 Q. Now, on the bottom of the first page, who writes the next
11 email in the chain?

12 A. Jurisdoctorjsc@yahoo.com.

13 Q. Could you please read it?

14 A. "I'm supposed to see him on Saturday. I told him be
15 prepared to bring the \$1,000 in cash, LOL, but of course, I did
16 not give him a guarantee. Fingers crossed. Hmmm, maybe toes
17 too. Hahahahaha."

18 Q. Skipping up to the most recent email, who sent that?

19 A. Wafer74@yahoo.com.

20 Q. What does he say?

21 A. "Yeah, I spoke to Tom. Will get back to me next week. Has
22 to locate folder first."

23 Q. Showing you Government Exhibit 457, who sent this email?

24 A. Jurisdoctorjsc@yahoo.com.

25 Q. To whom?

I4hWcha5

Hubbard - Direct

1 A. Wafer74@yahoo.com.

2 Q. About when was this sent -- I'm sorry. What's the date it
3 was sent?

4 A. December 24, 2014.

5 Q. When is that in relation to the last email we looked at?

6 A. Sorry. Can you give me the exhibit number?

7 Q. Government Exhibit 454.

8 A. This is about a month and a half after the emails we just
9 read.

10 Q. What's the subject of this email?

11 A. Custom shop.

12 Q. What does the email say?

13 A. "As promised, Dave. BTW, any luck with Jimenez or our hair
14 salon guy. Merry Christmas to you guys."

15 Q. Turning to the attachment, what is it?

16 A. A gift card.

17 Q. From what company?

18 A. The Custom Shop Clothiers.

19 Q. What's the value of the gift card?

20 A. \$500.

21 Q. Showing you Government Exhibit 458, when was this sent?

22 A. December 24, 2014.

23 Q. And when in relation to the last email we saw?

24 A. Same date.

25 Q. All right. Just later in the day?

I4hWcha5

Hubbard - Direct

1 A. Yes.

2 Q. What's the subject line?

3 A. Second attempt.

4 Q. And what's attached?

5 A. Custom Shop PDFs and a gift card from Custom Shop

6 Clothiers.

7 Q. Is that the same that we just saw?

8 A. It appears to be.

9 Q. Showing you Government Exhibit 460, directing your
10 attention to the chronologically first email in the thread, who
11 is that from?

12 A. Display name or email address?

13 Q. What's the display name?

14 A. Display name is David Jimenez.

15 Q. When was it sent?

16 A. February 3, 2015.

17 Q. Could you please read that email?

18 A. "John, I have a feeling this was of your doing and working
19 your magic, but I got a message from Officer Mascara from the
20 NCPD pistol license. He said I missed my appointment for
21 fingerprinting on 1/23/15. I called him back and told him that
22 I had gone there a few months ago to bring documents, and I was
23 told I would be rejected and not to bother. So I had taken the
24 matter to you. He said remembers me well and my case. He said
25 I could come in for fingerprinting. I asked him what changed,

I4hWcha5

Hubbard - Direct

1 and he said that there is new management and he is under new
2 superiors. He asked that I get fingerprinted and we would take
3 it from there. I don't know what to believe anymore, but
4 nevertheless, I have the appointment for next Tuesday morning,
5 the 10th. I will keep my fingers crossed. Regards, David
6 Jimenez."

7 Q. Going one email up in the chain, who sends the response?

8 A. Jurisdoctorjsc@yahoo.com.

9 Q. Could you please read the first paragraph?

10 A. "David, I told you I've been working very hard on this
11 matter and have one more legal trick up my sleeve. Evidently,
12 it must have worked. This law firm sent a huge package to both
13 the police commissioner and the county executive on your
14 behalf. Remember, it was Sgt. Mistretta who played these
15 wicked games with us. A year ago, he was forced to retire
16 under a big black cloud. Mindful of this and following
17 guidance and instinct, I decided that before my Article 78 gets
18 filed on your behalf that I would do this package."

19 Q. On the next page, could you read the paragraph that starts,
20 "When you go to HQ"?

21 A. "When you go to HQ, don't do a lot talking about the whys
22 and wherefores. Just be very polite, as I know you always are,
23 and very thankful that it looks like we are seeing the light at
24 the end of the proverbial tunnel."

25 Q. Could you please read the next paragraph?

I4hWcha5

Hubbard - Cross

1 A. "Upon receipt of the license -- see how confident I am --
2 you will bring final payment to the law firm of \$2,850 in cash
3 and we shall finally be able to put this to bed. It's been
4 long enough, for sure."

5 Q. Going up to the response to this -- sorry. The response at
6 the top of the second page, who wrote it?

7 A. Display name, David Jimenez.

8 Q. Could you please read it?

9 A. "John. Oh, my. Certainly I will be polite and not say a
10 word. OK. I will keep you posted. God, I hope this finally
11 happens. Yes, I will bring you payment in cash. No problem.
12 David."

13 MR. MONTELEONI: No further questions.

14 THE COURT: Cross-examination, Mr. Stavis.

15 MR. STAVIS: Yes, your Honor.

16 CROSS-EXAMINATION

17 BY MR. STAVIS:

18 Q. Special Agent Hubbard, you were asked questions on direct
19 examination about -- you were asked about a lot of different
20 exhibits, but I'm going to ask you about Government's Exhibit
21 6081. This was the one with the licensee Edward Ticheli,
22 correct?

23 A. Yes, sir.

24 Q. And Mr. Monteleoni showed you the signature page, and over
25 here, you identified that as the signature of Sgt. David

I4hWcha5

Hubbard - Cross

1 Villanueva, correct?

2 A. Yes, sir.

3 Q. Along with his recommendation, and his recommendation was
4 dated 7/15/13, correct?

5 A. That's correct.

6 Q. That's not the end of the document, is it?

7 A. No, it's not.

8 Q. There's another signature below that, isn't there?

9 A. Yes.

10 Q. And that other signature and that other writing is under a
11 section, commanding officer's comments and recommendations,
12 correct?

13 A. Yes.

14 Q. And under there, in handwriting, I think you could make out
15 part of it. You made out the part that says, "I concur,"
16 correct?

17 A. Yes.

18 Q. And "W," correct?

19 A. Yes.

20 Q. And then I think you said you couldn't make out the next
21 word. Does it look like cancellation?

22 A. It could.

23 Q. And then after that is continuation. That you did testify
24 about, the last word?

25 A. Yes, sir.

I4hWcha5

Hubbard - Cross

1 Q. And then below, below that, you have the signature. Can
2 you make out the signature?

3 A. I believe so.

4 Q. Yes? Whose signature is that?

5 A. Appears to be Capt. Michael Endall.

6 Q. Thank you. And Capt. Endall signed this document, 608-1,
7 on 8/7 of 2013, correct?

8 A. That's correct.

9 Q. About three weeks after Sgt. Villanueva signed the
10 document, correct?

11 A. Yes.

12 Q. And it was Capt. Endall that gave the final approval of
13 this cancellation and continuation, is that correct?

14 A. It appears so, yes, sir.

15 Q. You were asked questions concerning Government's Exhibit
16 102. That was the big box with the Barbies. And when you were
17 asked that question, you testified that you received the big
18 box with the Barbies and baseballs. You received that after
19 Sgt. Villanueva began cooperating with the government. Is that
20 correct?

21 A. That's correct.

22 Q. Not before, but after?

23 A. That's correct.

24 Q. Were you involved in the arrest of Sgt. David Villanueva
25 on, I think it was June 20 of 2016?

I4hWcha5

Hubbard - Cross

1 A. I was not.

2 Q. But you were aware of his arrest, correct?

3 A. Yes.

4 Q. You were working with a team of agents at that time on the
5 investigation, correct?

6 A. That's correct.

7 Q. And at the same time, you're aware that an Alex "Shaya"
8 Lichtenstein was also arrested at that time, correct?

9 A. I believe he was arrested prior to that date, sir.

10 Q. And the two of them, Lichtenstein and Villanueva, were
11 indicted by the grand jury in the case of United States of
12 America v. David Villanueva and Alex Lichtenstein, a/k/a
13 "Shaya," is that correct?

14 A. I believe so.

15 Q. Now, the cooperation that you referred to with the exhibits
16 that were provided to you, like Government's Exhibit 102, that
17 began how long after the arrest of David Villanueva on June 20
18 of 2016?

19 A. Excuse me. The part in which he provided the material to
20 us? Is that what you're referring to, sir?

21 Q. No. I'm asking, When did the cooperation, the formal
22 cooperation, of David Villanueva start in relation to his
23 arrest on June 20 of 2016?

24 A. I believe -- I believe it was a few months after, but I'm
25 not familiar with the exact date.

I4hWcha5

Hubbard - Cross

1 Q. One of the jobs of an FBI special agent -- by the way, I
2 always ask this. All agents of the FBI are special agents;
3 there's no such thing as just plain agent?

4 A. At the FBI, that's correct. Yes, sir.

5 Q. OK. You're all special.

6 A. That's what the badge says.

7 Q. OK. What is the job, role of a special agent? There's
8 something called a report, a 302 report, is that correct?

9 A. Yes.

10 Q. And what is a 302 report?

11 A. It's a write-up of an interview, proffer, anything that
12 would be considered evidentiary for a case we're working on.

13 Q. How does a special agent prepare -- where does the number
14 302 come from?

15 A. Bureaucracy.

16 Q. It's the number of the form --

17 A. Yes, sir.

18 Q. -- you use?

19 A. It is.

20 Q. What is your method of preparing a 302 report?

21 A. Method is when the interview begins, individual writing the
22 notes will take notes of the entire event, and when the event
23 is complete, go back to the office and type up everything based
24 on the notes that were written.

25 Q. And it's very important to take accurate notes, correct?

I4hWcha5

Hubbard - Cross

1 A. It is.

2 Q. Because it's very important to have an accurate 302 report,
3 correct?

4 A. Yes.

5 Q. And it's very important to have all the material, important
6 facts in your notes, correct?

7 A. I'm sorry. Can you repeat the question?

8 Q. It's very important to have all of the material and
9 important facts in your notes, correct?

10 A. The facts, yes. The material, I'm not sure what you're
11 referring to.

12 Q. No, I don't mean material. I mean -- let me just rephrase
13 the question.

14 A. OK.

15 Q. You want to get all of the important facts in your notes,
16 correct?

17 A. Yes, sir.

18 Q. And you want to get all of the important facts in your 302
19 report based on those notes, correct?

20 A. Yes.

21 Q. And when you are about to -- by the way, have you ever
22 testified before at a trial like this?

23 A. This is my first time.

24 Q. But you've testified, not where, in other -- have you
25 testified other than in a trial like this before?

I4hWcha5

Hubbard - Cross

1 A. I have.

2 Q. And do you use the 302 reports to refresh your
3 recollection --

4 A. I do.

5 Q. -- when getting -- please let me finish.

6 -- when you're getting ready to testify?

7 A. Yes.

8 Q. You testified, again, that David Villanueva provided
9 various exhibits, like Government's Exhibit 102, the box with
10 the Barbies and the baseballs, after he began to cooperate,
11 correct?

12 A. Yes.

13 Q. And the Spider-Man playbill with the tickets inside, with
14 the John Chambers envelope date, that was provided after
15 cooperation also, is that correct?

16 A. Yes.

17 Q. What is the procedure before, if you're aware, before a
18 person enters into a cooperation agreement with the government?

19 A. There are a couple of what they call, I guess, meetings
20 between the U.S. district, in this case, Southern District of
21 New York, and at least one FBI agent, who is part of the case,
22 or -- and then the person in question and an attorney,
23 typically.

24 Q. OK.

25 A. But the actual mechanics of it I'm not entirely familiar

I4hWcha5

Hubbard - Cross

1 with.

2 Q. Just the general lay of the land is what I was asking.

3 A. Uh-huh.

4 Q. And that's called, when the person and their lawyer meets
5 with the prosecutors, that's called a proffer?

6 A. Yes.

7 Q. Are you familiar with that term, "proffer"?

8 A. I am.

9 Q. And so there had to be a proffer with David Villanueva
10 before he ultimately became a cooperating witness and provided
11 the items that you've been testifying about?

12 A. I believe so, yes.

13 Q. I'm showing you what has been marked as Defendant's Exhibit
14 K for purposes of identification, and I ask you to take a look
15 at it. When you finish taking a look at it, look up and I'll
16 have another question for you.

17 A. OK.

18 Q. Is Defense Exhibit K for purposes of identification an
19 email that you wrote on September 30 of 2016?

20 A. Yes.

21 MR. STAVIS: Your Honor, at this time I would offer
22 what has been previously marked as Defendant's Exhibit K for
23 purposes of identification into evidence as Defendant's Exhibit
24 K.

25 THE COURT: Any objection?

I4hWcha5

Hubbard - Cross

1 MR. MONTELEONI: No, your Honor.

2 THE COURT: Defendant's Exhibit K is received in
3 evidence.

4 (Defendant's Exhibit K received in evidence)

5 THE COURT: You may publish it, Mr. Stavis.

6 MR. STAVIS: OK.

7 Q. So this is an email you sent on your FBI email account,
8 correct?

9 A. Yes.

10 Q. On September 30, 2016, at 1:43 p.m., correct?

11 A. Yes.

12 Q. And you sent it to Jared Witmier. Is Jared Witmier also a
13 special agent?

14 A. He was my supervisor at the time.

15 Q. But he's an FBI agent, correct?

16 A. Yes, sir.

17 Q. And it was an update. Read the text of the email that you
18 wrote to your supervisor, Jared Witmier, on September 30, 2016.

19 A. It appears to be cut off. Could you widen it to the right
20 a little bit?

21 Q. Yes. Sorry.

22 A. Thank you.

23 "Looks like we have a proffer session with Villanueva set
24 up for next Thursday. I think the calls we have between him
25 and Shaya made him rethink his situation. Will keep you

I4hWcha5

Hubbard - Cross

1 posted. Bard."

2 Q. What were you referring to when you wrote "calls we have
3 between him and Shaya"?

4 A. We had gathered evidence as part of this case where we had
5 phone calls that were recorded between the individual named
6 Shaya and with Mr. Villanueva.

7 Q. And where did you obtain those calls from?

8 A. It was from a search warrant.

9 Q. And it was from a search warrant for Shaya?

10 A. That's correct.

11 (Continued on next page)

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I4HJCHA6

Hubbard - cross

1 Q. And Shaya is also the name of Alex Lichtenstein. Is that
2 correct?

3 A. That is correct.

4 Q. And Alex Lichtenstein was the individual who was the
5 co-defendant with David Villanueva in the indictment United
6 States of America versus David Villanueva and Alex
7 Lichtenstein, a/k/a Shaya, which you testified about, correct?

8 A. I believe so, yes.

9 Q. What are you referring to when you wrote to your
10 supervisor, Agent Witmier, that Villanueva, the phone calls
11 made Villanueva, "rethink his situation"?

12 A. In reference to the context of some of the calls we
13 received from the search warrant based on Shaya, some of the
14 calls appeared incriminating when it comes to Mr. Villanueva's
15 role at License Division.

16 I believe, if memory serves me correctly, I believe he
17 and his attorney were privy to some of that information, and my
18 thoughts were that might convince him to maybe cooperate or
19 just plead and maybe figure out where he stood.

20 Q. Because there was very strong evidence that you had
21 uncovered against Sergeant Villanueva, correct?

22 A. That's correct.

23 Q. And those were on tapes that were, or recordings between
24 him and Shaya Lichtenstein, correct?

25 A. Yes.

I4HJCHA6

Hubbard - cross

1 Q. And this was, would it be fair to say that you're advising
2 your supervisor this was an important development in the case?

3 A. Yes.

4 Q. So let's get to the proffer -- withdrawn.

5 By the way, from your work on this case, do you know if the
6 proffer that was held was the first meeting between you law
7 enforcement agents and Sergeant Villanueva, or was there an
8 earlier meeting?

9 A. I can't recall.

10 Q. Do you know if Agent Downes spoke to David Villanueva at
11 his home, 27 Skidmore Place, Valley Stream?

12 A. I can't recall.

13 Q. So you attended the proffer on October 5th, 2016 where
14 David Villanueva was going to be speaking to the prosecutors,
15 correct?

16 A. I'm not sure if I was attending that particular proffer,
17 sir.

18 Q. I am going to show you what is marked as Defense Exhibit L
19 for the purposes of identification and see if that -- I ask you
20 to take a look at that, and when you've had a chance to look at
21 it, please look up and I'll ask you additional questions.

22 A. (Pause) Yes, I believe I was there.

23 Q. Is Defense Exhibit K for the purposes of identification --
24 having reviewed Defense Exhibit K for the purposes of
25 identification, does that refresh your recollection of what

I4HJCHA6

Hubbard - cross

1 transpired at the proffer of David Villanueva on October 5th of
2 2016?

3 A. Do you mean Exhibit L, sir?

4 Q. Did I say K? Oh, K -- yes, Exhibit L.

5 A. I have to read over all seven pages of it to get fully
6 recollected, but it does strike a memory right now.

7 Q. Excuse me?

8 A. It does strike a memory right now.

9 Q. That you were there?

10 A. Yes, sir.

11 Q. Do you recall who else was there?

12 A. According to what the paperwork tells me.

13 Q. That is your paperwork, isn't it?

14 A. It is. Assistant U.S. Attorneys --

15 MR. MONTELEONI: Is the witness testifying from memory
16 or are you asking him to read it?

17 MR. STAVIS: I'll offer it if he can identify it. I
18 will offer it in evidence.

19 THE COURT: Any objection?

20 MR. MONTELEONI: Yes, 802.

21 THE COURT: Isn't it hearsay?

22 BY MR. STAVIS:

23 Q. Is it in the regular course of business that you should
24 make a 302 report?

25 A. It is.

I4HJCHA6

Hubbard - cross

1 Q. Was that 302 report with your name on the bottom of it made
2 in the regular course of business?

3 A. It appears to be, yes.

4 MR. STAVIS: I offer it, your Honor.

5 MR. MONTELEONI: Your Honor, business records
6 exception doesn't apply to this. There is hearsay within
7 hearsay.

8 THE COURT: Sustained.

9 BY MR. STAVIS:

10 Q. Why don't you look at that report and see if it refreshes
11 your recollection fully so I can ask you questions about it.

12 A. Well, sir, reading this from -- you're asking who was
13 there? Refreshing my recollection, I don't remember every
14 single individual, but this will tell me who, when I wrote it,
15 should have been there.

16 Q. Well, wasn't this report, Defense Exhibit L, for the
17 purposes of identification? It is your report, right?

18 A. Yes, sir.

19 Q. Based on your notes, correct?

20 A. That's correct.

21 Q. And you took the notes while you were there, correct?

22 A. Yes.

23 Q. So I would like to ask you a few questions about -- well,
24 withdrawn.

25 Did you look at Defense Exhibit L to prepare your

I4HJCHA6

Hubbard - cross

1 testimony?

2 A. No, I did not.

3 Q. You did not?

4 A. No.

5 Q. You testified a few minutes ago that you used 302 reports
6 to refresh your recollection before you testified?

7 A. That's correct.

8 Q. But you didn't use this 302 report marked as Defense
9 Exhibit L for the purposes of identification to refresh your
10 recollection before you testified here today?

11 A. No, sir, I didn't.

12 Q. Or this week?

13 A. I did not.

14 Q. What do you recall about the proffer at the U.S. Attorney's
15 Office on October 5th, 2017 with David Villanueva?

16 A. I recall from memory nothing much specific, sir.

17 Q. But it was, as you previously testified, it was a very
18 important development in the case, wasn't it?

19 A. I would say it was important, yes, sir.

20 Q. It was so important that you, Defense Exhibit K in
21 evidence, you told your supervisor, Jared Witmier, that it
22 looks like we have a proffer session with Villanueva set up for
23 next Thursday, right?

24 A. Well, the proffer sessions happen all the time. That is
25 not what I was trying to emphasize with my supervisor on that

I4HJCHA6

Hubbard - cross

1 note, sir.

2 Q. But proffer sessions didn't happen all the time with David
3 Villanueva, did they?

4 A. I can't recall, sir.

5 Q. You can't recall?

6 A. If they happened all the time, I am not entirely sure what
7 you mean by all the time.

8 Q. Wasn't this the first proffer session with David
9 Villanueva?

10 A. I don't recall if this was the first session or not, sir, I
11 don't remember.

12 Q. So the proffer session that we're talking about is a
13 proffer session on October 5th, 2016, correct?

14 A. I believe so, yes.

15 Q. Less than a week earlier, on September 30th, 2016, you're
16 sending an email to your supervisor, Jared W. Witmier, "Looks
17 like we have a proffer session with Villanueva set up for next
18 Thursday. I think the calls have, we have between him and
19 Shaya made him rethink his situation."

20 You previously testified about that, correct?

21 A. Yes.

22 Q. You testified that that was an important development in the
23 case, correct?

24 A. Yes.

25 Q. And you don't recall anything about the proffer session

I4HJCHA6

Hubbard - cross

1 that occurred on October 5th, less than a week later. Is that
2 your testimony?

3 A. Yes, sir.

4 Q. Do you recall if at the proffer of October 5th, 2016 that
5 you attended, the name John Chambers was never mentioned?

6 A. I'd have to look at the 302 to verify it, but that's
7 possible.

8 Q. Here's Defense Exhibit L for the purposes of
9 identification. Please take a look at that and take your time.

10 A. (Pause) Okay.

11 Q. Have you reviewed your 302 report?

12 A. Regarding the mention of John Chambers, yes, I did.

13 Q. There is no mention of John Chambers in your 302 report.
14 Is that correct?

15 A. That's correct.

16 Q. Now, you were asked questions by the prosecutor on direct
17 examination about Government's Exhibit 410 which I'll put on
18 the screen because it's in evidence. This is the Toys-R-Us
19 gift certificate, correct?

20 A. Yes.

21 Q. It is for \$200.00, correct?

22 A. Yes.

23 Q. And on the bottom it says Dear David Villanueva. Hooray,
24 John and Tina has given you an E-gift card from Toys-R-Us and
25 Babies-R-Us dot com. Merry Christmas to Brandon and Madison.

I4HJCHA6

Hubbard - cross

1 I hope they enjoy, with love, J and T.

2 Who is Tina?

3 A. I believe Tina is John's wife.

4 Q. That would also be T, the T in J and T?

5 A. That's how I would interpret it.

6 Q. And they were both, both John and Tina Chambers were on
7 this gift where it says Merry Christmas on Government's Exhibit
8 410, correct?

9 A. Yes.

10 MR. MONTELEONI: Objection.

11 BY MR. STAVIS:

12 Q. And on 411, which is the Applebee's, Applebee's, it also
13 says to David from John and Tina. That, too, Government
14 Exhibit 432, would be referring to my client, John Chambers,
15 and his wife, Tina Chambers, correct?

16 A. I believe so, yes.

17 Q. And this is from December of 2013, correct?

18 A. Yes.

19 (Off-the-record discussion).

20 BY MR. STAVIS:

21 Q. I am approaching the witness with Defendant's Exhibit M for
22 the purposes of identification and ask him to, I would ask you,
23 sir, to take a look at that, and after you've had a chance to
24 take a look at it, look up and I'll ask you another question.

25 A. (Pause)

I4HJCHA6

Hubbard - cross

1 Q. Are you finished?

2 A. I have.

3 Q. Is that an email that you sent on -- may I just have it
4 back for a moment -- that you sent on February 27th, 2017 to a
5 U.S. Attorney?

6 A. Yes.

7 Q. That was during the course of your work with regard to this
8 investigation, correct?

9 A. That's correct.

10 MR. STAVIS: I would offer what has been previously
11 marked as Defense Exhibit M for the purposes of identification
12 into evidence as Defense Exhibit M.

13 MR. MONTELEONI: Objection.

14 THE COURT: Come on up to the sidebar.

15 (Continued on next page)

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I4HJCHA6

Hubbard - cross

1 (At the sidebar)

2 MR. MONTELEONI: The basis of the objection is, first
3 of all, the email is hearsay. We don't object to the photos
4 certainly, but the email's hearsay not within an exception and
5 it is very hard for me to understand how this is not covered by
6 the ruling by the undercover visit.

7 MR. STAVIS: The court's ruling was we could not call
8 the undercover officer, and the court's ruling covered the
9 undercover, the undercover officer as well as the video and
10 indicated that Ms. Chambers might be a witness and it would
11 present a different issue if there were testimony or something
12 else.

13 With regard to hearsay, there is nothing in there that
14 is offered for the truth. There is no assertive statement -- I
15 should keep my voice down -- there is no assertive statement
16 that is offered for the truth or anything like that. It was
17 said, it was transcript, it was transcribed by somebody else.
18 It is not hearsay.

19 THE COURT: The government is not objecting to the
20 photos. They're objecting to the email. What is it in the
21 email that is of such consequence that it should overcome a
22 hearsay objection?

23 MR. MONTELEONI: It does make statements. It says Gun
24 Permits, Inc. goes back to Chambers when you Google it. UC was
25 informed by the doorman that Chambers only sees clients with an

I4HJCHA6

Hubbard - cross

1 appointment. That is hearsay.

2 MR. STAVIS: It transfers the photographs.

3 THE COURT: Why don't you show him the email, and
4 we'll deem the photographs marked Defendant's Exhibit M-1, and
5 then if you want, you can put the photographs into evidence.

6 MR. STAVIS: Very well. I should be able to question
7 him about having sent the --

8 THE COURT: You can question him about how he sent it,
9 but you just can't get this email itself into evidence.

10 MR. STAVIS: Understood.

11 MR. MONTELEONI: The one other issue, if he intends to
12 elicit there was an undercover operation, it strikes me that
13 the only relevance that might have is to create the good acts
14 inference that this Court has already ruled is improper.

15 THE COURT: I ruled that's improper and is not going
16 to be going there. I expect the government will object if he
17 does. We'll deem the two photographs marked collectively M-1.
18 He will offer them in front of the jury.

19 MR. STAVIS: I know you don't want me to say
20 "undercover," but there was an investigator who was working,
21 part of the investigation.

22 THE COURT: I am not saying you can't say,
23 "undercover."

24 MR. STAVIS: I thought that you had.

25 THE COURT: No, no. I am saying -- I am not saying

I4HJCHA6

Hubbard - cross

1 that you can't say -- you can question him about how he got
2 these photographs, okay?

3 MR. STAVIS: Okay.

4 (Continued on next page)

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I4HJCHA6

Hubbard - cross

1 (In open court)

2 THE COURT: Members of the jury, the objection is
3 sustained in part, all right? There is an email and then there
4 are two photographs attached to the email. The objection is
5 sustained with respect to the email. The photographs have been
6 deemed marked as Defendant's Exhibit M-1. Are you offering
7 them?

8 MR. STAVIS: Yes, I am, your Honor.

9 THE COURT: Any objection?

10 MR. MONTELEONI: To the photographs, no.

11 THE COURT: Defendant's Exhibit M-1 is received in
12 evidence.

13 (Defendant's Exhibit M-1 received in evidence)

14 BY MR. STAVIS:

15 Q. Agent Hubbard, I am showing you the two photographs,
16 Defendant's M-1, that are associated with the email that you
17 sent on February 27th, 2017. I'll ask you a question about
18 them.

19 A. Okay.

20 Q. Were these the photographs that were taken by an NYPD
21 undercover officer who went to Chambers' office?

22 A. I believe they were.

23 Q. And those photographs depict the outside of John Chambers'
24 law office?

25 A. That's what I was told, yes, sir.

I4HJCHA6

Hubbard - cross

1 Q. Once you obtained these photographs -- by the way, did you
2 obtain them directly from the undercover officer or did someone
3 else give them to you?

4 A. I believe they were sent to me electronically first.

5 Q. And then you, in turn, you, in turn, sent the photographs
6 to an Assistant U.S. Attorney. Is that correct?

7 A. Yes, sir.

8 MR. STAVIS: I have no further questions, your Honor.

9 THE COURT: Redirect examination?

10 MR. MONTELEONI: No, your Honor.

11 THE COURT: All right. Special Agent Hubbard, you're
12 excused as a witness, sir. You may step down.

13 (Witness excused)

14 THE COURT: Members of the jury, we'll take a short
15 mid-afternoon recess at this time. Keep an open mind. Come to
16 no conclusions and please don't discuss the case. Please
17 recess the jury.

18 THE CLERK: All rise. Jury exiting.

19 (Jury excused)

20 THE COURT: Everyone may be seated. We'll take a
21 10-minute recess, and if the government would have their next
22 witness here on the stand when we resume so we can move ahead.

23 MR. MONTELEONI: Yes, your Honor. Thank you.

24 (Recess)

25 THE COURT: All right. Let's bring in the jury.

I4HJCHA6

Villanueva - Direct

1 (Jury present)

2 THE COURT: All right. Everyone may be seated. Would
3 the government call its next witness?

4 MR. MONTELEONI: Yes, your Honor, the government calls
5 David Villanueva.

6 DAVID VILLANUEVA,

7 called as a witness by the government,

8 having been duly sworn, testified as follows:

9 THE COURT: You may inquire, Mr. Monteleoni.

10 MR. MONTELEONI: Thank you.

11 DIRECT EXAMINATION

12 BY MR. MONTELEONI:

13 Q. Are you currently employed?

14 A. No, I am not.

15 Q. Have you ever been employed?

16 A. Yes, I have.

17 Q. What was your last employer?

18 A. My last employer was Diamond Security.

19 Q. When were you employed by Diamond Security?

20 A. I was employed from September of 2016 to February 2017.

21 Q. What was your position at Diamond Security?

22 A. Assistant administrator.

23 Q. Prior to Diamond Security, what was your last employer?

24 A. The NYPD.

25 Q. What was your rank in the NYPD when you left?

I4HJCHA6

Villanueva - Direct

1 A. Sergeant.

2 Q. What was the last unit that you were assigned to at the
3 NYPD before you left?

4 A. I was assigned to the auto pound in Brooklyn.

5 Q. When did you start working at the auto pound in Brooklyn?

6 A. April of 2016.

7 Q. Where were you before you were transferred to the auto
8 bound pound?

9 A. I was assigned to the License Division.

10 Q. What unit in the License Division?

11 A. The incident Section.

12 Q. Was your transfer to the auto pound voluntary?

13 A. No, it was not.

14 Q. Why were you transferred?

15 A. I was under investigation.

16 Q. When did you leave the NYPD?

17 A. I left in August of 2016.

18 Q. You said you were under investigation. What was the result
19 of the investigation?

20 A. I was ultimately arrested.

21 Q. What were you arrested for?

22 A. I was arrested for conspiracy to commit bribery, bribery,
23 and the making false statements to the FBI.

24 Q. What happened with your court case?

25 A. I pled guilty.

I4HJCHA6

Villanueva - Direct

1 Q. To what?

2 A. I pled guilty to conspiracy to commit briber, bribery and
3 also making false statements to the FBI.

4 Q. Why did you plead guilty?

5 A. I was guilty.

6 Q. You said you pled guilty to bribery. Was that giving
7 bribes or accepting bribes?

8 A. Accepting bribes.

9 Q. Who did you accept bribes from?

10 A. I accepted bribes from a couple of people. It was John
11 Chambers, a person I knew as Shaya whose name is Alex
12 Lichtenstein, a person known as Frank Soohoo and another person
13 known as Dominic Calendrella.

14 Q. Turning to the person you knew as Shaya, what was his line
15 of work?

16 A. He was what was called a pistol expediter.

17 Q. What is an expediter?

18 A. He would come into 1 Police Plaza on behalf of clients and
19 get the licenses done literally ASAP.

20 Q. What bribes did Shaya give you?

21 A. He gave me money.

22 Q. About how much money?

23 A. In total, it was around \$20,000.

24 Q. Did he give you anything other than money?

25 A. He gave me his credit card once to purchase Broadway

I4HJCHA6

Villanueva - Direct

1 tickets.

2 Q. Did he give you anything else?

3 A. Yes. On two different occasions he gave me limousine
4 rides, and one time he actually purchased airline tickets to
5 San Diego with a credit card points.

6 Q. Did he give anything to any of your family members?

7 A. To my wife's grandmother menorah for the holidays.

8 Q. Did he give anything to your children?

9 A. He did give money to my children.

10 Q. How much money?

11 A. He gave my children \$500.00 each for a trip to Disney that
12 we had planned.

13 Q. During what time period did Shaya give you these things?

14 A. It started late 2012 till late 2015.

15 Q. For what?

16 A. To have his licenses expedited for his clients.

17 Q. When you say to have his licenses expedited for his
18 clients, what would you do?

19 A. My role was, when he had clients come in, I would make sure
20 the process of getting started would begun ASAP, meaning they
21 didn't have to wait outside to get fingerprinted, they would
22 get fingerprinted and actually get put into the system without
23 having to wait like a normal person who was applying, and as
24 soon as the prints came back, I would just do the second
25 recommendation, and literally the license would be issued

I4HJCHA6

Villanueva - Direct

1 before the paperwork was even in.

2 Q. About how much of a turnaround time would that be for those
3 licenses that you were issuing on behalf of Shaya?

4 A. Sometimes not even a month.

5 Q. What's the normal turnaround time for the type of licenses
6 that you were issuing for Shaya if they had been issued to
7 people other than Shaya's clients?

8 A. Usually it can take for a carry business license, can take
9 anywhere between six months to a year, sometimes even more.

10 Q. You mentioned carry business licenses. Was that the type
11 of license you would typically issue for Shaya?

12 A. Yes.

13 Q. What was your role in the issuance process?

14 A. I would do what is called the, the investigator would do
15 the first recommendation, I would do the second recommendation.

16 After the license would issue, the folders would come
17 back to me. They would literally bear missing paperwork, and
18 my role was to actually obtain the paperwork after the licenses
19 were issued.

20 Q. So, first of all, you mentioned an investigator who would
21 do a first recommendation. Who was that?

22 A. That was a Police Officer Richard Ochetal.

23 Q. You said you did a second recommendation for these
24 licenses, was that the final stage or were there others?

25 A. There was one more stage after that, the actual approval.

I4HJCHA6

Villanueva - Direct

1 Q. Who would give the approval to licenses issued on behalf of
2 Shaya?

3 A. At that point it was my executive officer who was a
4 captain, Michael Endall.

5 Q. Now about how many licenses did you participate in
6 approving on behalf of Shaya?

7 A. My estimate would be approximately 100, between 2012 and
8 '15.

9 Q. Of the licenses whose issuance you participated in
10 approving, about how many did you believe were actually
11 qualified to have carry licenses?

12 A. Due to the fact most of the documents were missing, I would
13 say none.

14 Q. You mentioned that you would gather paperwork for the files
15 of these licenses after the fact.

16 What did you do to get paperwork in those files?

17 A. In the beginning around 2012 to 2013, only a couple of,
18 handful of people coming in through Shaya. I was able to
19 obtain paperwork through Shaya himself or actually the
20 licensee.

21 As time went by, more people started coming in, so the
22 caseload was getting bigger and bigger, so the problem was I
23 cannot obtain paperwork any more from Shaya or his applicants.
24 They would call me, so I would have to go into the folder and
25 find out what paperwork was in there and create what is called

I4HJCHA6

Villanueva - Direct

1 a letter of necessity based on whatever information I had in
2 the folder.

3 Q. Who was the letter of necessity supposed to be from?

4 A. The licensee.

5 Q. And who actually would create the letter of necessity?

6 A. I began creating it.

7 Q. Did you ever give anyone else anything on Shaya's behalf?

8 A. Yes. I gave two different parties. I gave money to Shaya
9 left on my desk to give to them.

10 Q. Who were the people who you gave money to on behalf of
11 Shaya?

12 A. My police officer, investigator Richard Ochetal and
13 Lieutenant Paul Dean.

14 Q. How much did you give to Ochetal on Shaya's behalf?

15 A. He left on my desk once 300 to give to Richard Ochetal.

16 Q. How much money did you give to Dean on Shaya's behalf?

17 A. A thousand dollars.

18 Q. You also mentioned an individual named Frank Soohoo. What
19 did Frank Soohoo give you?

20 A. He did vacations with Frank Soohoo, vacations.

21 Q. How many vacations did you do with Frank Soohoo?

22 A. I would say approximately four.

23 Q. Who went on those vacations?

24 A. It was Richard Ochetal, his wife, my fiance at the time,
25 myself and Frank Soohoo and his wife.

I4HJCHA6

Villanueva - Direct

1 Q. Who paid for the vacations?

2 A. Frank Soohoo did.

3 Q. What did he pay for?

4 A. He paid for the airlines and lodging.

5 Q. Did he pay for food and drink on the vacations as well?

6 A. Three out of the four, it was all-inclusive.

7 Q. Of the three all-inclusive vacations, where were those
8 vacations?

9 A. Bahamas, Mexico and Dominican Republic.

10 Q. And for the fourth vacation, where was that?

11 A. Hawaii.

12 Q. How long were those vacations?

13 A. The one excluding Hawaii would be from Thursday to Sundays,
14 and the Hawaii was I believe -- I believe was a week.

15 Q. Apart from the food and drink that he provided you in the
16 all-inclusive vacations, did Frank Soohoo provide you any other
17 kind of refreshments?

18 A. Yes, Frank Soohoo had a store in Queens, and he would do
19 parties for us and provide liquor.

20 Q. When you say he would do parties for us, was this during
21 the day or at night?

22 A. It was both. Most of the time it was during the day, but a
23 couple of times it was at night.

24 Q. How many times did you visit his store during the day?

25 A. I don't recall. It was numerous times.

I4HJCHA6

Villanueva - Direct

1 Q. About how regularly would you do that?

2 A. We were averaging at least once a week or once every other
3 week.

4 Q. When you went to his store during the day, what would he
5 provide you?

6 A. He would have liquor for us and he also he will provide us
7 with sushi Sashimi.

8 Q. Was his store a store that made sushi?

9 A. No. It was a cigar shop.

10 Q. Where would the sushi or sashimi come from?

11 A. He would have it catered.

12 Q. About how expensive was the caterer?

13 A. A couple hundred dollars.

14 Q. You also mentioned he provided you parties at night.

15 How many parties at night did Frank Soohoo provide
16 you?

17 A. Three.

18 Q. In addition to food and drink, did he provide any other
19 forms of entertainment at any of those parties?

20 A. Yes, two out of the three, he had prostitutes attend the
21 party.

22 Q. Did you patronize the prostitutes on occasions when you
23 attended the parties?

24 A. No, I did not.

25 Q. Did any of the other attendees at the parties patronize the

I4HJCHA6

Villanueva - Direct

1 prostitutes?

2 A. Yes.

3 Q. In addition to the trips, the meals, the parties, did
4 Soohoo give you anything else?

5 A. On two different occasions Soohoo gave me \$500.00 for each
6 occasion.

7 Q. During what time period was Soohoo giving you these various
8 things?

9 A. He was from like 2013 also to '15.

10 Q. What did you do for Soohoo?

11 A. I helped approved one upgrade and helped approve another
12 one, another license. I am sorry.

13 Q. When you say you helped approve an upgrade, what upgrade
14 did you approve on behalf of Soohoo?

15 A. One of his clients had what is called limited carry, and I
16 upgraded it to a full carry.

17 Q. What did you do to process that?

18 A. I just had to go into the -- and change the classification
19 for the license.

20 Q. Do you believe that individual qualified for the full
21 carry?

22 A. That individual I did for Soohoo, yes.

23 Q. What, if any, special treatment did that individual receive
24 if they were getting a license they were entitled to?

25 A. The time-frame.

I4HJCHA6

Villanueva - Direct

1 Q. What was the time-frame?

2 A. Less than a week.

3 Q. You said there was a different license that you
4 participated in approving for Soohoo. What was that?

5 A. There was one time in the so-called parties we had, Soohoo
6 came, and the party I attended it was also Richard Ochetal,
7 Lieutenant dean and another officer called Bobby Espinal.

8 Frank told us he had a client that was willing to pay big
9 dollars, but the problem was he was federally barred, he would
10 not be able to obtain a pistol license because he was federally
11 barred.

12 So an idea brewed at this party that if he has a brother
13 who will get his brother approved first, and then approve the
14 person who is barred, and through the Safe Act, sell the
15 firearm from one brother to the other brother; and, therefore,
16 bypassing a NICS check.

17 Q. You mentioned the Safe Act. What is the Safe Act?

18 A. That was full background checks for us, it was making tough
19 to get licenses. There were a lot of restrictions.

20 Q. You said that approving a license for someone's brother and
21 then having the brother sell them the firearm would bypass a
22 NICS check. What is a NICS check?

23 A. Every time you're going to purchase a firearm, the federal
24 government also does a background check to make sure you're not
25 federally barred.

I4HJCHA6

Villanueva - Direct

1 Q. Whose idea was it to circumvent this background check by
2 doing a brother-to-brother sale?

3 A. In this occasion Lieutenant Paul Dean.

4 Q. What was your role?

5 A. My role was approve the original brother, the one that
6 wasn't able to get the license.

7 Q. What, if any, role did you have in transferring the gun
8 from the brother you approved to the other one?

9 A. Once I approved the brother who was able to get a license
10 and the one who was not -- federally barred, when both were
11 approved, my role was to take the firearm and transfer it from
12 the one who was able to have a firearm to the one who wasn't
13 allowed to have a firearm.

14 Q. So you also mentioned an individual named Dominic
15 Calendrella. What did Dominic Calendrella give you?

16 A. Dominick Calendrella gave me money.

17 Q. How much money did he give you?

18 A. He was averaging around a thousand dollars per license.

19 Q. During what time period would he be giving you this money?

20 A. 2014 to '15.

21 Q. You said there was a thousand dollars per license. What
22 would you do with respect to licenses with relation to
23 Calendrella?

24 A. For him, it was a little different. I would actually go to
25 his place of business and whoever he has potential client, I

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Villanueva - Direct

1 would sit down with them and I will speak to them first, tell
2 them all the documents they needed, and then I will actually
3 type up their applications for them and I will have them come
4 to 1 Police Plaza usually an hour before we opened up and
5 process for them and eventually will obtain their license.

6 Q. What type of license did Calendrella's clients typically
7 have?

8 A. Special carries.

9 Q. What is a special carry?

10 A. A special carry is licenses that has already been approved
11 in counties outside the City of New York, so they already have
12 a full carry in Nassau, Suffolk or any other counties, but they
13 can't come into the city because their license is not good in
14 the city.

15 So a special carry is just an amendment to the license they
16 already have that allows them to come into the city.

17 Q. About how many special carry licenses did you participate
18 in approving in relation to Dominic Calendrella?

19 A. I would say around approximately around 15.

20 Q. Approximately how much money do you think you got from
21 Dominick Calendrella?

22 A. Approximately 15,000.

23 Q. Of these approximately 15 licensees, about how many of
24 these did you believe were qualified to have special carry
25 licenses?

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Villanueva - Direct

1 A. As I recall, most of them did not have any business to come
2 into the city, so I would say zero.

3 Q. Did you ever hear anything about Calendrella's background?

4 A. There were indications that he had ties to what we call a
5 crime family.

6 Q. Do you know anything about whether that was accurate?

7 A. I never followed up on it.

8 Q. You also mentioned John Chambers. Do you see John Chambers
9 in court here today?

10 A. Yes.

11 Q. Could you please point to him and identify him by an
12 article of clothing?

13 A. Yes, he is wearing a gray suit that I can see from here.

14 THE COURT: The record should reflect that Mr.
15 Villanueva has identified the defendant.

16 BY MR. MONTELEONI:

17 Q. What did John Chambers give you?

18 A. John Chambers, what I received was numerous articles from
19 Broadway tickets, articles of clothing, I received two
20 different watches. I received money from him and gift cards
21 also.

22 Q. What did you do for Chambers?

23 A. Well, it didn't start as what I call major things for him.
24 I was doing expediting the closing of incident cases. I was
25 not doing new applications for him. What I was helping him

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Villanueva - Direct

1 with was incidents.

2 Q. In addition to incidents, did you also help him with
3 upgrades?

4 A. I did help him with upgrades a couple of times, yes.

5 Q. What about renewals, did you do anything for him in
6 connection with renewals?

7 A. There were several times he needed help with renewals, and
8 I would renew them for him, yes.

9 Q. Did you do anything for Chambers in relation to licenses
10 issued outside of the NYPD?

11 A. Yes, I did help him with Nassau County pistol licenses.

12 Q. During what time period did you receive these things from
13 Chambers?

14 A. From around 2006 to 2015.

15 Q. You said you pled guilty to accepting bribes from the
16 person you knew as Shaya, Frank Soohoo, Dominick Calendrella
17 and John Chambers. Of these people, who was the first to bribe
18 you?

19 A. John Chambers.

20 Q. You also said you pled guilty to false statements. Did
21 there come a time you were approached by the FBI?

22 A. Yes.

23 Q. When was that?

24 A. That was in April of 2016.

25 Q. Where did they approach you?

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Villanueva - Direct

1 A. It was a Sunday at my house.

2 Q. Did you talk to them?

3 A. Yes, I did.

4 Q. What did they ask?

5 A. They asked me had I received any gifts from Shaya or Frank
6 Soohoo.

7 Q. What did you tell them?

8 A. I told them no.

9 Q. Was that honest?

10 A. That was not honest.

11 Q. Why did you tell them that?

12 A. At this point, that was the question that was going to
13 tumble this deck of cards.

14 Q. Why did you lie?

15 A. To protect everyone involved and myself.

16 Q. You testified that you pled guilty. Have you been
17 sentenced yet?

18 A. No, I have not.

19 Q. What is your understanding of the maximum sentence that you
20 could face based on the crimes you pled guilty to?

21 A. I understand that the maximum I can get is 50 years.

22 Q. After your arrest, but before your plea, did you begin to
23 cooperate with the government?

24 A. Yes.

25 Q. As part of your cooperation, have you provided information

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Villanueva - Direct

1 about your conduct and the conduct of others?

2 A. Yes.

3 Q. In connection with your guilty plea, did you enter a
4 cooperation agreement with the government?

5 A. Yes.

6 MR. MONTELEONI: If I could ask you to turn to the
7 back of your binder, to look at what has been marked for
8 identification as Government Exhibit 1401 and publish it to
9 counsel and the court and the witness.

10 (Off-the-record discussion)

11 BY MR. MONTELEONI:

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. What is this document?

15 A. This is the agreement that I signed.

16 MR. MONTELEONI: We offer Government Exhibit 1401 in
17 evidence.

18 MR. BROUNSTEIN: No objection.

19 THE COURT: Government Exhibit 1401 is received in
20 evidence and you may publish it.

21 (Government Exhibit 1401 received in evidence)

22 BY MR. MONTELEONI:

23 Q. Now, this is the first page of a multipage document. Is
24 this multipage document your entire agreement with the
25 government?

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Villanueva - Direct

1 A. This is my agreement that I signed, but besides this, there
2 are other things that I have to do.

3 Q. Are all those things contained actually in the agreement?

4 A. Oh, yes.

5 Q. Has the government or anyone else made any promises to you
6 other than those contained in the agreement?

7 A. No promise else.

8 Q. What is your understanding of your obligations under the
9 agreement?

10 A. First of all, I have to tell the truth, provide any
11 information that I have, meet up with the U.S. Attorney's
12 Office and stay out of trouble, no arrests.

13 Q. What is your understanding of what the prosecutors will do
14 if you comply with the agreement?

15 A. I will have a letter written on my behalf for sentencing.

16 Q. Who will write the letter?

17 A. The prosecutor.

18 Q. Who will receive the letter?

19 A. The judge.

20 Q. What is the purpose of the letter?

21 A. Just to tell my involvement and it will state everything
22 that I've done wrong and also everything I have cooperated, all
23 the information I have given during cooperation.

24 Q. Will the government make any recommendation about what
25 specific sentence you should receive in this letter?

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Villanueva - Direct

1 A. No.

2 Q. Who determines what your sentence will be?

3 A. The judge during my sentencing.

4 Q. If the government sends the letter, what is the maximum
5 sentence that you could face?

6 A. 50, 5-0 years.

7 Q. What do you hope to receive by cooperating with the
8 government?

9 A. No jail time.

10 Q. Has anyone from the government or anyone else made any
11 promise to you about what your sentence will be?

12 A. No.

13 Q. If you violate the terms of your cooperation agreement,
14 will the government still write the letter to the judge?

15 A. No.

16 Q. If you violate the terms of your cooperation agreement, do
17 you get to take back your guilty plea?

18 A. No.

19 Q. If you lie during your testimony today, what is your
20 understanding of what can happen as a result?

21 A. I will be prosecuted for perjury.

22 Q. When did you start with the NYPD?

23 A. June 30th, 1995.

24 Q. When did you join the Pistol License Division?

25 A. I joined the Pistol License Division April of 2001.

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Villanueva - Direct

1 Q. What was your role with the License Division at first?

2 A. When I originally got to the License Division, I was an
3 investigator for new applications.

4 Q. What was your rank at the time?

5 A. I was a police officer.

6 Q. What were your responsibilities as a police officer in the
7 new applications?

8 A. To do investigations for people applying for pistol
9 licenses.

10 Q. What would you do as an officer in the new applications
11 section at the conclusion of your investigations?

12 A. I would close the case out, type up what is called a final
13 report and do the first recommendation.

14 Q. What would happen to the recommendations that you made in
15 that position?

16 A. Once a recommendation, I do a recommendation of approval or
17 disapproval, it will go to my supervisors, which usually was a
18 sergeant.

19 Q. Did you come to meet the defendant during this time period?

20 A. Yes.

21 Q. How did you come to meet the defendant?

22 A. I might have been one or two cases that belonged to the
23 defendant -- I mean to John.

24 Q. What were your interactions with the defendant like during
25 this time period?

I4HJCHA6

Villanueva - Direct

1 A. Professional.

2 Q. How much, if any, social interactions did you have with the
3 defendant during this time period?

4 A. Zero.

5 Q. How long did you stay in that position?

6 A. I stood in new applications till 2002.

7 Q. What happened in 2002?

8 A. I was moved from new applications to incidents. I was an
9 investigator with the Incidents Section.

10 Q. What was your role as an investigator in the Incident
11 Section?

12 A. I was doing investigations for people who already had
13 pistol licenses, and for one reason or the other, their license
14 was suspended.

15 Q. What are the steps in the incident investigations that you
16 conducted?

17 A. Once a licensee's license is suspended, it gets assigned to
18 an investigator, which was me at the time. I will look through
19 the folder, do what is called a notice that the license is
20 suspended with directives. I will mail it out, and there are
21 certain directives the licensee must follow.

22 Q. What would you do after sending the notice of suspension
23 and directions?

24 A. I will wait to meet up with the actual licensee and I will
25 do a full investigation to determine if the person should get

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Villanueva - Direct

1 their license back or not.

2 Q. What would you do at the conclusion of your investigation?

3 A. I will do a final report once again and I will have a
4 recommendation whether the person's license should be
5 continued, suspended or revoked.

6 Q. What is revocation?

7 A. Revocation is that we found enough evidence that the person
8 did something wrong and we're taking away their license
9 permanently.

10 Q. What is a suspension?

11 A. A suspension is when a person doesn't need the license any
12 more and they request the license to be suspension.

13 Q. What were you describing just now?

14 A. Cancellation. I threw myself off track.

15 Q. A cancellation is when the person doesn't need their
16 license any more and requests for it to be taken away?

17 A. Correct.

18 Q. What is a suspension?

19 A. Suspension, we found you did something wrong and we're
20 suspending your license for a period of time. Once that period
21 of time ends, you'll get your license back.

22 Q. Are there different lengths of suspension?

23 A. Yes. We have short suspension and long suspensions.

24 Q. What is continuation of a license?

25 A. Continuation is we found you did nothing wrong or something

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Villanueva - Direct

1 minor and we're giving you your license back as soon as we
2 conclude the investigation.

3 Q. You mentioned cancellation a moment ago. Is cancellation
4 one of the dispositions that can be imposed as a result of an
5 incident investigation?

6 A. For incidents, we only have revocation, continuance or
7 suspension.

8 Q. How long did you stay in the Incident Section as an
9 investigator?

10 A. Till April of 2003.

11 Q. What happened in 2003?

12 A. In 2003, I was promoted to sergeant.

13 Q. Did you stay in the same position when you became a
14 sergeant?

15 A. No. I was moved out of License Division.

16 Q. Where were you moved to?

17 A. I was transferred to Transit.

18 Q. What is Transit?

19 A. I was in charge of patrolling the subway system.

20 Q. Did you ever come to return to the License Division after
21 going to transit?

22 A. Yes, April of 2004.

23 Q. How did that happen?

24 A. I received a phone call that there was an opening in the
25 Incident Section. The sergeant who was sitting there had left,

I4HJCHA6

Villanueva - Direct

1 so they asked me if I wanted to come back.

2 Q. What was your response?

3 A. "Yes."

4 Q. How long were you ultimately incident sergeant until?

5 A. Until April of 2016.

6 Q. What is the incident sergeant?

7 A. Oversees all the investigations that his investigators
8 have.

9 Q. What is the role of the incident sergeant in determining
10 the outcome of an incident investigation?

11 A. Once the investigator has finished his or her case, it goes
12 to the incident sergeant. It is my job to review the entire
13 folder, make sure all the documents we requested is in there
14 and either concur with the investigation, the recommendation or
15 change the -- do my second recommendation, which I can actually
16 change the recommendation of the investigator.

17 Q. Just to be clear about the levels of recommendation, when
18 you get an incident investigation report to review, does it
19 already have a recommendation in it?

20 A. It has the recommendation from the investigator.

21 Q. Then you said that you get the second recommendation. What
22 happens to the second recommendation?

23 A. After I am done with the second recommendation, the folder
24 goes to my supervisors.

25 Q. Who were your supervisors be in the incident investigation?

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Villanueva - Direct

1 A. It's usually the captain who is in charge of overseeing
2 incidents.

3 Q. Who is that captain or what position in the License
4 Division does that captain have?

5 A. He was the executive officer, Michael Endall. He was a
6 captain at the time.

7 Q. Where does the executive officer fall within the License
8 Division's hierarchy?

9 A. He is the second in charge for uniformed members of the
10 service.

11 Q. Who is the first in charge for uniformed members of the
12 service?

13 A. The commanding officer.

14 Q. Now, as a practical matter, how much weight does the
15 recommendation of the incident sergeant usually have in
16 determining the outcome of an incident investigation?

17 A. It has a lot of weight.

18 Q. About how much weight does the recommendation of the
19 incident investigator usually have?

20 A. It has a little, but it usually comes down to the
21 sergeant's recommendation.

22 Q. Now, did you see the defendant at all when you returned as
23 an incident sergeant?

24 A. Yes.

25 Q. How would you describe the interactions that you had with

I4HJCHA6

Villanueva - Direct

1 the defendant when you started as an incident sergeants?

2 A. At first it, was all professional.

3 Q. Did that change over time?

4 A. It came from professional became a little bit social.

5 Q. Who initiated the social side of it?

6 A. John will come to my desk and we'll start talking about TV
7 shows and sports.

8 Q. Did you ever meet with Chambers outside of work?

9 A. Yes.

10 Q. What's the first time that you met with Chambers outside of
11 work?

12 A. It was in 2005.

13 Q. At what event did you meet him?

14 A. I had invited John to my wife's baby shower at the time.

15 Q. How did you come to invite him to your baby shower?

16 A. I usually don't speak a lot about myself, but I am always
17 bragging about my kids. I was talking about my son and had
18 another baby on the way, and he took a liking to my kids, and I
19 invited him to the baby shower.

20 Q. Did he say anything about the baby shower before you
21 invited him?

22 A. He asked me he would love to come to the baby shower.

23 Q. What was your response?

24 A. I invited him.

25 Q. At the time that you invited to the baby shower, had he

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Villanueva - Direct

1 ever been to your house before?

2 A. No.

3 Q. Did you invite anyone else at all to the baby shower?

4 A. Friends and family.

5 Q. Of the other people who you invited to the baby shower, how
6 many of them had been to your house before you invited them?

7 A. Most of them.

8 Q. What happened at the baby shower?

9 A. John came to the baby shower and he stood there for a
10 little while. He participated in the events we had and I
11 introduced him to my son.

12 Q. How old was your son at the time?

13 A. My son was four years' old.

14 Q. About how long did Chambers talk to your son?

15 A. A typical four-year old wouldn't want to talk much. It was
16 hi and back into the house.

17 Q. Did Chambers come with anyone?

18 A. Yes, he came with his wife.

19 Q. What is his wife's name?

20 A. Tina.

21 Q. After the baby shower, did you ever invite Chambers to meet
22 you outside of work other than that?

23 A. No.

24 Q. Did he ever invite you to meet him outside of work?

25 A. Yes.

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Villanueva - Direct

1 Q. What was the first time that he invited you to meet him
2 outside of work?

3 A. It was for my birthday, he invited me out.

4 Q. In what year?

5 A. 2006.

6 Q. What month is your birthday?

7 A. March.

8 Q. What day of the month?

9 A. 8th.

10 Q. Where did you go for your birthday in 2006?

11 A. We met up at a restaurant called Carmine's in midtown.

12 Q. Who met there?

13 A. It was John, his wife Tina, my wife at the time and myself.

14 Q. What happened at the dinner?

15 A. John gave me a gift which included, I believe it was a
16 shirt, a piece of article of clothing, and tickets for a
17 Broadway show following the dinner.

18 Q. What did you say about the Broadway show?

19 A. Broadway show tickets and it was following, immediately
20 following dinner.

21 Q. Before showing up at the dinner, had you known you would be
22 receiving any gifts?

23 A. No.

24 Q. Had you known you would be receiving tickets to any show?

25 A. No.

I4HJCHA6

Villanueva - Direct

1 Q. Did you accept the clothing?

2 A. I accepted everything.

3 Q. By the way, who paid for the dinner?

4 A. John did.

5 Q. So who went to the show?

6 A. My wife and I.

7 Q. Did Chambers or his wife go to the show?

8 A. No.

9 Q. At the time, why did you think he took you out to dinner?

10 MR. STAVIS: Objection.

11 THE COURT: Sustained.

12 BY MR. MONTELEONI:

13 Q. What was your reaction to the dinner?

14 A. It was my first time out in a long time.

15 Q. Now, was that birthday in 2006 the only time that Chambers
16 invited you out or were there others?

17 A. There were others.

18 Q. What was the next time?

19 A. It was for my wife's birthday, the same year.

20 Q. What did you do for your wife's birthday in 2006?

21 A. The same thing, we met at Carmine's restaurant, we sat
22 there for a while, gifts were given to my wife that included
23 tickets to Broadway immediately following again the dinner.

24 Q. What was your reaction to the second dinner?

25 A. To the second dinner, things -- I knew things were going to

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Villanueva - Direct

1 change a little after the --

2 MR. STAVIS: Objection, your Honor.

3 THE COURT: Overruled.

4 BY MR. MONTELEONI:

5 Q. What do you mean?

6 A. When we got to Carmine's, before we sat down, we had couple
7 beers at the bar and John started telling me I should be the CO
8 one day of the License Division and there was more talk about
9 work, unlike the first time there was no talk about work.

10 Q. What kind of talk about work was there the second time?

11 A. He was telling me how I should be the CO and he started
12 telling mow me how incidents were taking a long time to close.

13 Q. What was your reaction to that?

14 A. I was kind of figuring sooner or later I was going to be
15 asked a favor.

16 Q. Did you take the gift and the tickets the second time?

17 A. Yes.

18 Q. By the way, what was your financial situation in 2006?

19 A. Financially in ruin.

20 Q. Why were you in ruin?

21 A. My wife and I got married at an early age and we did the
22 whole marriage and apartment on credit cards.

23 Q. So what were you doing to deal with your financial
24 situation in 2006?

25 A. I was taking what they call pension loans to float the

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Villanueva - Direct

1 debt.

2 Q. About how often were you going to Broadway shows apart from
3 the fact Chambers gave you tickets to?

4 A. I wasn't.

5 Q. Jumping ahead for a moment, what eventually happened to
6 your debt?

7 A. In 2008, I declared bankruptcy.

8 Q. Going back to 2006, you mentioned that your reaction was
9 that you were going to get asked for favors. Did that happen?

10 A. Eventually, yes.

11 Q. How what was the first thing that happened along those
12 lines?

13 A. It was something as simple as can you take a look at these
14 cases, they're taking a long time.

15 Q. Who asked you that?

16 A. John did.

17 Q. About when did he do that?

18 A. He did that right before, I think before the end of the
19 Year 2006.

20 Q. What do you mean when he asked you to look at the cases, in
21 your mind?

22 A. Incident Section was, my investigators were holding
23 approximately 100, to 120 cases each so it was normal for cases
24 to just be in a drawer for months if not a year. So what I
25 would do, what I did was, whatever names he gave me, I had my

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Villanueva - Direct

1 investigators pull them out and work on them.

2 Q. What, if anything, did that do to the amount of time that
3 the cases took to close?

4 A. Now we are shorting the amount of time.

5 Q. Why would a licensee want a case closed more quickly?

6 A. Because if a licensees license is suspended for a long
7 period of time, that is as long they can't go hunting, can't go
8 shooting, so they don't have their license, don't have the
9 right to have their firearms.

10 Q. Did you, in fact, ask your investigators to close those
11 cases more quickly?

12 A. Yes.

13 Q. Was your then wife's birthday in 2006 the last time
14 Chambers offered you tickets to anything, or were there others?

15 A. No. In the same year he got me tickets to Radio City Music
16 Hall.

17 Q. When did he give you those tickets?

18 A. 2006 was the first once.

19 Q. About when in the year?

20 A. It was, if I recall, between September and October.

21 Q. Where was he when he gave you those tickets?

22 A. At 1 PP.

23 Q. That is 1 Police Plaza?

24 A. 1 Police Plaza by my desk.

25 Q. Were others in a position to see he was giving you tickets?

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Villanueva - Direct

1 A. They could see, but they wouldn't be able to see who was
2 giving me tickets.

3 Q. Why not?

4 A. They were always in stationery marked envelopes from work.

5 Q. Had he discussed that show with you at all prior to giving
6 you the tickets?

7 A. Yes.

8 Q. What was the nature of that discussion?

9 A. He had told me he goes every year with his wife, and if I
10 had ever gone, and I told him no, I had not gone to see the
11 show.

12 Q. What was your response when he offered those tickets?

13 A. I took them.

14 Q. Showing you the items marked for identification Government
15 Exhibits 103 and 127, do you recognize those?

16 A. Yes.

17 Q. How do you recognize them?

18 A. Those are the playbills from the Christmas Spectacular show
19 I attended.

20 Q. Have you seen those recently?

21 A. Yes.

22 Q. When did you see those?

23 A. When I turned them over to the FBI.

24 MR. MONTELEONI: We offer Government Exhibits 103, 127
25 and as well as Governments 103-1 to 5 and Government Exhibit

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Villanueva - Direct

1 127-1 which are photos of those two exhibits in evidence.

2 MR. BROUNSTEIN: Have a brief voir dire?

3 THE COURT: You may.

4 VOIR DIRE EXAMINATION.

5 BY MR. BROUNSTEIN:

6 Q. Mr. Villanueva, I have a couple of questions about those
7 two documents. You indicated that you gave them over to the
8 FBI. Is that correct?

9 A. Correct.

10 Q. And you had stored them before. Is that correct?

11 A. Yes.

12 Q. And where did you keep them?

13 A. In the garage.

14 Q. You kept memorabilia there?

15 A. I became apparently a hoarder when I found these.

16 Q. At some point you turned them over to the FBI. Was that
17 before you were arrested?

18 A. No. This was after.

19 Q. Was it after you were arrested and before you began to
20 cooperate or when you began to cooperate?

21 A. Once I started to cooperate.

22 Q. That would be after you pled guilty?

23 A. Yes.

24 Q. Do you remember the date when you turned it over?

25 A. I don't remember the exact date, no.

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Villanueva - Direct

1 MR. BROUNSTEIN: No further questions. No objection.

2 THE COURT: All right. So Government Exhibits 103 and
3 127, and 103 1 to 5 and 127-1 are received in evidence.

4 (Government Exhibits 103, 127, 103 1-5 and 127-1
5 received in evidence)

6 DIRECT EXAMINATION continued

7 MR. MONTELEONI: Directing your attention to
8 Government Exhibit 127 and I ask Ms. Bustillo to publish
9 Government Exhibit 127-1.

10 BY MR. MONTELEONI:

11 Q. Mr. Villanueva, could you tell us what show this is a
12 playbill for?

13 A. This is for the Radio City Christmas Spectacular Show.

14 Q. Of what year?

15 A. The one I am holding is for 2006.

16 Q. Prior to attending in 2006, had you ever been to the Radio
17 City Christmas show before?

18 A. No.

19 Q. Who got you the tickets for you to go to the show that
20 resulted in this playbill?

21 A. John Chambers.

22 (Continued on next page)

23

24

25

I4hWcha7

Villanueva - Direct

1 BY MR. MONTELEONI:

2 Q. Who went to the show?

3 A. My wife, my son and I.

4 Q. Did you meet Chambers at the show?

5 A. No.

6 Q. Did you meet him for dinner beforehand?

7 A. No.

8 Q. See him at all that evening?

9 A. No.

10 Q. You mentioned that the other playbill, Government Exhibit
11 103, was also for a show that you attended, so showing you
12 Government Exhibit 103, what is it?

13 A. This is a playbill for the Christmas Spectacular, for the
14 2007 show.

15 Q. If you open it, what's inside it?

16 A. The tickets that I received for the actual show.

17 Q. Who did you receive those tickets from?

18 A. From John Chambers.

19 MR. MONTELEONI: If I could ask, Ms. Bustillo, for you
20 to publish Government Exhibit 103-1.

21 How about 103-2? Sorry.

22 103-3.

23 Q. All right. Showing you the blacked-out portions on these
24 tickets where it says purchased by, and a few other places on
25 the ticket, did you do that?

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Villanueva - Direct

1 A. No.

2 Q. Where did you first see those blacked-out portions?

3 A. As soon as we moved them out of the envelope, they were
4 already marked.

5 Q. And you mentioned an envelope. What type of envelope were
6 they in?

7 A. They were like his stationery from work.

8 Q. And how many tickets are there?

9 A. There are three.

10 Q. Who went?

11 A. My wife, my son and I.

12 Q. Did you meet Chambers at the show on that occasion?

13 A. No.

14 Q. Did you see him at all that evening?

15 A. No.

16 Q. So after the tickets -- after your wife's birthday in 2006,
17 did you have outings with Chambers like that again?

18 A. Excuse me. I was like --

19 Q. Sorry. After you had a birthday outing on your wife's
20 birthday in 2006, did you have any outings that were similar to
21 that again?

22 A. We continued with the outings for the birthdays, for my
23 birthday and wife's birthday, for many years.

24 Q. Until when?

25 A. That's including my new wife. We -- the last one was May

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Villanueva - Direct

1 of 2015.

2 Q. And about how often did they happen?

3 A. It was my birthday and my wife's birthday, every -- twice a
4 year.

5 Q. I think you said a moment ago that you ultimately divorced
6 and remarried. Did that affect the frequency of these birthday
7 outings?

8 A. No. When I divorced and I had my new wife, which was my
9 girlfriend at the time, she just went out.

10 Q. And what month is your wife's birthday?

11 A. My current?

12 Q. Yes, your current wife's birthday.

13 A. May.

14 Q. And what month was your ex-wife's birthday?

15 A. July.

16 Q. What did these outings involve?

17 A. Dinner, gifts and Broadway tickets.

18 Q. What types of gifts were given at the dinner?

19 A. It would be anywhere from clothing to -- one time it was a
20 watch.

21 Q. What kind of watch was it, at the dinner?

22 A. It was a strap Giorgio Armani watch.

23 Q. And who attended the dinners?

24 A. My wife and I and John and his wife.

25 MR. MONTELEONI: I'd like to show the witness and

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Villanueva - Direct

1 counsel the document marked for identification as Government
2 Exhibit 126.

3 Q. What type of document is this?

4 A. A picture.

5 Q. Did you take the picture?

6 A. No.

7 Q. Are you in the picture?

8 A. Yes.

9 Q. Does this picture accurately represent the things it
10 depicts?

11 A. Yes.

12 MR. MONTELEONI: We offer Government Exhibit 126 in
13 evidence.

14 MR. BROUNSTEIN: No objection, your Honor.

15 THE COURT: Government Exhibit 126 is received in
16 evidence.

17 (Government Exhibit 126 received in evidence)

18 MR. MONTELEONI: If you could publish it. Thank you.

19 Q. Where was this photo taken?

20 A. Carmine's.

21 Q. Where were the dinners, typically?

22 A. Most of the time it was Carmine's.

23 Q. From left to right, who is in the photo?

24 A. It would be me, my wife, Tina and John.

25 Q. And where was this photo taken? Sorry. You said that

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Villanueva - Direct

1 already.

2 Who took the photo?

3 A. Our waiter.

4 Q. Whose idea was it to take the photo?

5 A. John always took pictures, yes.

6 Q. Then you said these outings would involve tickets. When
7 were the shows that the tickets were for?

8 A. They were always immediately following dinner.

9 Q. And who went to the shows?

10 A. My wife and I.

11 Q. Did Chambers or his wife ever go to the shows?

12 A. No.

13 Q. Now, we've talked about two Radio City Christmas
14 Spectacular playbills. Were those the only time that you went
15 to the Christmas Spectacular or were there others?

16 A. No. It was every, every year till, till 2014.

17 Q. Who went?

18 A. At first, it was just my wife, my son and I. Then, as my
19 daughter was born and she got older, it became my daughter, my
20 son, my wife and I. After I divorced, I gained another
21 daughter through marriage, so it would be my two daughters, my
22 son, my wife and I.

23 Q. Who provided the tickets?

24 A. John.

25 Q. Did he provide anything else?

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Villanueva - Direct

1 A. A few times he would give money for the kids to get
2 souvenirs.

3 Q. How much money would he give?

4 A. Basically, it was like \$100 for my son, \$100 for my
5 daughter.

6 Q. How did he give you that money?

7 A. With the tickets, inside the envelope.

8 Q. How would he give you the tickets?

9 A. Usually it was at my desk.

10 Q. What did you do with the cash?

11 A. I gave it to the kids and let them buy their souvenirs.

12 Q. When you met with Chambers outside of work, who would
13 typically be there?

14 A. Just -- it would be my wife, myself, John and his wife.

15 Q. Apart from when he attended your baby shower, do you ever
16 remember an occasion where you saw Chambers outside of work
17 when anyone other than those people were present?

18 A. I don't recall seeing him again.

19 Q. By the way, about how long were you supervisor of the
20 incident section in total?

21 A. From 2004 till 2016.

22 Q. About how much of that time did Chambers have business in
23 the incident section?

24 A. He was representing clients all the time.

25 Q. And about how often would he typically come by the license

I4hWcha7

Villanueva - Direct

1 division?

2 A. He was averaging, I think, at least once a week.

3 Q. When he came to the license division, would he stay in the
4 areas open to the public?

5 A. No. He -- he had free access to just walk around.

6 Q. About how well did he know the other members of the license
7 division?

8 A. Well enough that he can actually go hang his jacket in
9 people's office.

10 Q. About how well did you know the other members of the
11 license division when you were working there?

12 A. I know them as being their boss.

13 Q. Were you friends with any of them?

14 A. I was friends with -- my cops, yes. I was there for a long
15 time.

16 Q. To your knowledge, did anyone at the license division
17 during those 12 years that you were incident sergeant know that
18 you were meeting Chambers outside of work?

19 A. No.

20 Q. Apart from the birthday outings and the Radio City tickets,
21 did Chambers ever give you any other kinds of gifts?

22 A. I did get gift cards for dinners.

23 Q. Did you get any other tickets?

24 A. I got baseball tickets also.

25 Q. Were there any other theatrical tickets?

I4hWcha7

Villanueva - Direct

1 A. Yes, two -- I recall two times that I got tickets besides
2 the ones that were included with dinner.

3 Q. When were those times, do you remember?

4 A. They were not -- nothing -- they weren't for birthdays or
5 anything.

6 Q. So at times when he would give you tickets other than for
7 your birthdays or the Christmas Spectacular, where would he be
8 physically?

9 A. Say that again.

10 Q. Sorry. Where was he when he gave you the tickets when it
11 was not the Christmas Spectacular or your birthdays?

12 A. I used to see John all the time when he came through the
13 license division for cases and so on, so he would give it to me
14 at my desk.

15 Q. Do you think people saw him giving you those tickets?

16 MR. BROUNSTEIN: Objection, your Honor.

17 THE COURT: Sustained.

18 Q. Showing you Government Exhibit 104, which is in evidence,
19 what is this?

20 A. This is a playbill for the show Spider-Man: Turn Off the
21 Dark.

22 Q. And what's inside the playbill?

23 A. It's the envelope that tickets came in and the tickets for
24 the show.

25 Q. All right. When was this showing?

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Villanueva - Direct

1 A. This showing was for Friday, March 4 of 2011.

2 Q. When was your birthday that year?

3 A. March 8.

4 Q. Were these tickets for your birthday?

5 A. No.

6 Q. Did you also do the birthday outing with Chambers that year
7 as well?

8 A. Yes.

9 Q. You saw another Broadway show?

10 A. Correct. This one's to take my son.

11 Q. I'd like you to turn to Government Exhibit 204 at page
12 1295.

13 A. I'm sorry. Just give me a second.

14 Q. It's also up on your screen, for that.

15 A. OK.

16 MR. MONTELEONI: Although, could you actually just
17 show the witness that page.

18 Q. Where Chambers texted you, "Get her a T or a sweatshirt
19 from us, if she likes any," where were you?

20 A. I was at a Broadway show.

21 Q. And who was with you?

22 A. My wife.

23 Q. Where was Chambers?

24 A. Actually, this was my fiancée -- I call her wife. It was
25 my fiancée at the time.

I4hWcha7

Villanueva - Direct

1 Q. And where was Chambers?

2 A. I don't know.

3 Q. Where Chambers says, "Get her a T or sweatshirt from us, if
4 she likes any," if he wasn't there, how could he have bought
5 you something?

6 A. He would reimburse me.

7 Q. Had you ever done that before?

8 A. Once before, with my previous wife.

9 Q. What did he reimburse you for?

10 A. She bought a souvenir from one of the shows.

11 Q. Was Chambers present when she bought the souvenir?

12 A. No.

13 Q. Now, on this occasion, in May 2014, shown in these text
14 messages, did you actually buy something and seek reimbursement
15 from him?

16 A. I did purchase something, but I did not seek reimbursement.

17 Q. How did Chambers choose what shows to give you tickets to?

18 A. He had a list of all the shows he was sending me to.

19 Q. How do you know he had that list?

20 A. A couple times he will actually open his phone up, and he
21 will have on his phone, actually, all these shows that I've
22 seen.

23 Q. When would he do that?

24 A. There were several occasions that, towards the beginning,
25 John and I would disagree on length of suspensions, and

I4hWcha7

Villanueva - Direct

1 sometimes, just debating back and forth suspension period,
2 there would be a pause and he'll go from track -- from talking
3 about work to talk about shows, and he'll open his phones and
4 goes, Oh, maybe you should go see this show next, and so on and
5 so on. He had a whole list of all the shows that I had seen
6 from day 1.

7 Q. When you say you were talking about suspension lengths, who
8 would be receiving these suspensions?

9 A. Clients.

10 Q. Clients of whose?

11 A. Of John Chambers, clients who had their license suspended.

12 Q. Was this in connection with incident investigations that
13 you were supervising?

14 A. Yes. Basically, every time I dealt with John it had to
15 deal with incidents during that period of time.

16 Q. You say you would have disagreements about the length of
17 suspensions. As a general matter, in the license division when
18 a licensee has a suspension as a result of an incident, what
19 are common lengths of suspensions?

20 A. Usually for something minor, three months. For something
21 great it's a year. So between three months and a year is the
22 average suspension that a licensee would get.

23 MR. BROUNSTEIN: Objection, your Honor.

24 THE COURT: Overruled.

25 Q. Typically, how long would the suspensions for clients of

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Villanueva - Direct

1 Chambers be?

2 A. I always made between six months -- three months and six
3 months.

4 Q. How often would Chambers's clients get suspensions of a
5 year?

6 A. I don't recall ever giving any of his clients a year's
7 suspension.

8 Q. Why not?

9 A. It was -- by this time with John Chambers, I have received
10 gifts from John, and I just felt obligated by this point.

11 Q. You said that there would be disagreements you would have
12 with him over suspension lengths and he would bring up the
13 shows and bring out his phone sometimes. What types of things
14 would he say?

15 A. During the conversations, he would just say the shows that
16 I've seen. He just starts listing the shows that I've seen.

17 Q. Did he ever talk about your children in those discussions?

18 A. As I stated earlier, I always brag about my kids, so all
19 the conversations turn into my kids, yes.

20 Q. How did he refer to himself in relation to your children?

21 A. Uncle John.

22 Q. How much time had he spent with your son?

23 A. Probably a minute or two during 2005.

24 Q. Had he ever met your daughter?

25 A. No.

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1 Q. You mentioned sports tickets. What kind of sports tickets
2 did Chambers give you?

3 A. For the New York Mets.

4 Q. About how often did he give you those?

5 A. He was giving them periodically during, during the baseball
6 season.

7 Q. Were those around holidays or special occasions?

8 A. No. It was during the regular baseball season.

9 Q. What did you do with the tickets?

10 A. I went a couple times, and most of the times I re-gifted
11 them.

12 Q. If I could ask you to look at the documents marked for
13 identification as Government Exhibits 105 to 108 --

14 MR. MONTELEONI: Publish those to counsel.

15 Q. -- what types of documents are these?

16 A. These are pictures.

17 Q. Who took the pictures?

18 A. I did.

19 Q. How did you take the pictures?

20 A. With my cell phone.

21 Q. Do they accurately represent what they depict?

22 A. Yes.

23 MR. MONTELEONI: We offer Government Exhibits 105 to
24 108 in evidence.

25 THE COURT: Any objection?

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Villanueva - Direct

1 MR. BROUNSTEIN: Could I just have a moment, Judge?

2 No objection.

3 THE COURT: Government Exhibits 105 through 108 are
4 received in evidence.

5 (Government Exhibits 105-108 received in evidence)

6 THE COURT: You may publish them.

7 MR. MONTELEONI: Thank you.

8 Ms. Bustillo, could you publish Government Exhibit
9 105.

10 Q. You said you took these pictures. When did you take them?

11 A. I took them at Citifield with my son in June of 2012.

12 MR. BROUNSTEIN: Could you actually just cycle through
13 the photos for the jury.

14 Q. What were you doing at Citifield?

15 A. I was taking -- I had tickets to take my son.

16 Q. Who got you the tickets?

17 A. John did.

18 Q. Was Chambers there?

19 A. No.

20 Q. Showing you Government Exhibit 203 at page 517, where
21 Chambers says, "Can you use tix to tomorrow's Mets game,"
22 what's your response?

23 A. My response back to John, which was on 8/2, 2013: "Hi
24 John. Tomorrow's Cinderella today. You got us the tix. LOL."

25 Q. I'd like to show you the item marked for identification as

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1 Government Exhibit 110. Do you recognize that document?

2 A. Yes.

3 Q. How do you recognize it?

4 A. This is from the Broadway show that I took my son and my
5 daughter.

6 Q. Have you seen it recently?

7 A. Yes.

8 Q. When?

9 A. When I turned it over to the FBI.

10 MR. MONTELEONI: We offer Government Exhibit 110 as
11 well as Government Exhibit 110-1, photograph.

12 MR. BROUNSTEIN: Brief voir dire, your Honor, on this.

13 THE COURT: Certainly.

14 MR. BROUNSTEIN: Very brief.

15 THE COURT: Go ahead.

16 VOIR DIRE EXAMINATION

17 BY MR. BROUNSTEIN:

18 Q. I asked the question before. Did you turn that over at the
19 same time you turned over the prior items to the FBI?

20 A. It was during a period of time. I don't remember if it was
21 the exact same period of time.

22 Q. But it would be after you were arrested and after you began
23 to cooperate, is that correct?

24 A. That's correct.

25 Q. And you had these in your garage, you said?

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Villanueva - Direct

1 A. Correct.

2 MR. BROUNSTEIN: Nothing further. I have no
3 objection.

4 THE COURT: Government Exhibit 110 is received.

5 MR. MONTELEONI: Thank you, your Honor.

6 THE COURT: As well as 110-1.

7 (Government Exhibits 110 and 110-1 received in
8 evidence)

9 MR. MONTELEONI: Thank you, your Honor.

10 Ms. Bustillo, could you publish 110.

11 BY MR. MONTELEONI:

12 Q. What's 110?

13 A. This is the playbill.

14 Q. And if you could look at Government Exhibit 109, looking at
15 the second page of Government Exhibit 109, what's this?

16 A. Those are the tickets that -- for the show.

17 Q. So who went to the show?

18 A. My son, my daughter and I.

19 Q. Did Chambers go to the show?

20 A. No.

21 Q. These are for August 3, 2013. Is that around some kind of
22 holiday or special occasion?

23 A. No.

24 Q. Who bought the tickets?

25 A. John Chambers.

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1 Q. Now, you mentioned earlier at some point Chambers gave you
2 articles of clothing. When did he do that?

3 A. He gave me one for my birthday, and a second time he
4 actually sent shirts to my house.

5 Q. What kind of shirts were they?

6 A. They were shirts from the store Brooks Brothers.

7 Q. How did he know your measurements?

8 A. John always said how I should dress sharp for work, and one
9 day he just asked me what my shirt size was, and I told him.

10 Q. What is your shirt size?

11 A. 16-1/2 by 34-35.

12 Q. Showing you the item marked for identification as
13 Government Exhibit 114, do you recognize this item?

14 A. Yes.

15 Q. How do you recognize it?

16 A. This was a gift that John Chambers gave me.

17 Q. Have you seen it recently?

18 A. Yes.

19 Q. When was that?

20 A. When I turned it over to the FBI.

21 Q. Was that following your entering into a cooperation
22 agreement with the government?

23 A. Yes.

24 MR. MONTELEONI: We offer Government Exhibit 114 as
25 well as 114-1 and 2, which are photos of it, in evidence.

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Villanueva - Direct

1 THE COURT: Any objection?

2 MR. BROUNSTEIN: I have no objection.

3 THE COURT: All right. Government Exhibits 114 and
4 114-1 and 2 are received in evidence.

5 (Government Exhibits 114, 114-1 and 114-2 received in
6 evidence)

7 MR. MONTELEONI: Ms. Bustillo, if you could publish
8 Government Exhibit 114-2.

9 Q. What is Government Exhibit 114?

10 A. This is a box that John gave me so I could put cuff links
11 for my new shirts.

12 Q. Where was he when he gave it to you?

13 A. This he brought to One Police Plaza and gave it to me on my
14 desk.

15 Q. How was it packaged when he did that?

16 A. It was in a bag.

17 Q. What, if anything, did he say about it when he brought it
18 to you?

19 A. So I could get cuff links.

20 Q. About how many cuff links did you own when you got this
21 cuff-link case?

22 A. None.

23 Q. What did you do when you got the cuff-link case?

24 A. Went to my garage.

25 Q. Did Chambers ever give you sports memorabilia?

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Villanueva - Direct

1 A. Yes.

2 Q. When would he do that?

3 A. He would just send them to the house.

4 Q. Was there any particular occasion when he would do that?

5 A. No.

6 Q. Showing you Government Exhibit 204, page 1351, about four
7 texts down, where Chambers says, "Have a few more baseball
8 things for Brandon, is he still into it," what did you
9 understand him to mean?

10 A. That he had more stuff for Brandon he was going to send.

11 Q. And when you say Brandon was still into it, is that true?

12 A. I wish. No, my son's not into baseball anymore.

13 Q. Why did you say it?

14 A. I always said yes to John. Not too many nos he received.
15 I usually never said no to John.

16 Q. Showing you Government Exhibit 102, which is in evidence,
17 I'm not going to ask you to itemize these for the jury, but if
18 you could take a look inside the box, are there sports
19 memorabilia --

20 A. I'm sorry.

21 Q. -- and Barbie dolls in there?

22 A. Yes.

23 Q. What did you do with them?

24 A. Just the way it's in the box inside, it was put into my
25 garage.

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Villanueva - Direct

1 Q. Did you give them to your children?

2 A. No.

3 Q. Was that box, Government Exhibit 102, the only box that he
4 sent?

5 A. No. There were others.

6 Q. Showing you the items marked for identification as
7 Government Exhibits 129-A and 129-B, do you recognize these
8 items?

9 A. Yes.

10 Q. Have you seen them recently?

11 A. Yes.

12 Q. When was that?

13 A. When I turned them over to the FBI.

14 Q. Was that after you began cooperating with the government?

15 A. Yes.

16 MR. MONTELEONI: We offer Government Exhibits 129-A
17 and 129-B as well as 129-1 to -5, which are photographs of
18 those, in evidence.

19 THE COURT: Any objection?

20 MR. BROUNSTEIN: No, sir.

21 THE COURT: Government Exhibits 129-A and 129-B and
22 129-1 through 5 are received in evidence.

23 (Government Exhibits 129-A and 129-B and 129-1 through
24 129-5 received in evidence)

25 BY MR. MONTELEONI:

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Villanueva - Direct

1 Q. What is Government Exhibit 129-A?

2 A. This is a baseball with multi signatures on it.

3 Q. What's 129-B?

4 A. This is a letter of authenticity, which means that these
5 signatures are true.

6 Q. Showing you the item marked for identification as
7 Government Exhibit 120, do you recognize this item?

8 A. Yes.

9 Q. Have you seen it recently?

10 A. Yes.

11 Q. When was that?

12 A. When I turned them over to the FBI.

13 Q. Was that after you began cooperating with the government?

14 A. Yes.

15 MR. MONTELEONI: We offer Government Exhibit 120, as
16 well as 120-1, which is a photograph of it, in evidence.

17 MR. BROUNSTEIN: No objection.

18 THE COURT: Government Exhibits 120 and 120-1 are
19 received in evidence.

20 (Government Exhibits 120 and 120-1 received in
21 evidence)

22 Q. What's Government Exhibit 120?

23 A. This is a signed autograph picture from Carlos Beltran.

24 Q. It doesn't look like it's in very good condition. Why is
25 that?

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Villanueva - Direct

1 A. When I received them, like everything else, I just had them
2 in the garage.

3 Q. Were all the items that Chambers sent you baseball related?

4 A. No.

5 Q. Showing you the items marked for identification as
6 Government Exhibits 115, 116, 117, 118, and 119, do you
7 recognize these items?

8 A. Yes.

9 Q. Have you seen them recently?

10 A. Yes.

11 Q. When was that?

12 A. When I turned them over to the FBI.

13 Q. Was that after you began cooperating with the government?

14 A. Yes.

15 MR. MONTELEONI: We offer Government Exhibits 115,
16 116, 117, 118, and 119, as well as 115-1 and 2, 116-1, 117-1,
17 118-1, and 119, photographs of those items, in evidence.

18 MR. BROUNSTEIN: No objection.

19 THE COURT: All right. Government Exhibits 115
20 through 119 and 115-1 and 2, 116-1, 117-1, 118-1, and 119 are
21 received in evidence.

22 (Government Exhibits 115-119, 115-1, 115-2, 116-1,
23 117-1, 118-1, and 119-1 received in evidence)

24 Q. What are Government Exhibits 115 through 119?

25 A. We have magazines from the Titanic and DVDs.

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Villanueva - Direct

1 Q. How did you get these?

2 A. John Chambers sent them to the house.

3 Q. Did you talk about this at all before he sent them?

4 A. As I said, I'm always bragging about my kids, and he had
5 taken an interest on the Titanic, I told John once, and he sent
6 over to the house.

7 Q. What did you do with these things?

8 A. In the garage.

9 Q. Did you give them to your children?

10 A. No.

11 MR. MONTELEONI: Ms. Bustillo, if you could show
12 Government Exhibit 403.

13 Q. Showing you Government Exhibit 403, what's this?

14 A. This is a -- showing me that I have, for the hall of fame,
15 a, I think it's one year's membership.

16 Q. Who got you this membership?

17 A. John Chambers.

18 Q. Why did he get you a membership?

19 A. I must have had -- I was having a conversation once with
20 John that I was taking my dad to the baseball hall of fame,
21 something he wanted to do all his life.

22 Q. You mentioned that Chambers gave you gift cards. What kind
23 of gift cards did he give you?

24 A. He had given me gift cards to take the kids to Toys "R" Us
25 and also Applebee's, and once I traveled to San Diego and he

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Villanueva - Direct

1 gave me a gift card for a restaurant called Truluck's. And I
2 believe the last, one of the gift cards he also gave me was for
3 custom-made shirts from some company that travels, and they
4 make custom-made shirts.

5 Q. Showing you Government Exhibit 425, what's this?

6 A. This is the -- for the -- an email, which has a link to the
7 gift card to Truluck's, seafood -- it's a seafood-steak house.

8 Q. Who gave it to you?

9 A. John Chambers.

10 Q. Do you remember how much money was on the gift card?

11 A. I believe it was approximately \$200.

12 Q. And about when did he give it to you?

13 A. This was in June of 2013.

14 Q. Was there any special occasion?

15 A. I was going to San Diego. My -- one of my police officer,
16 Richard Ochetal, was getting married, so I was traveling to San
17 Diego.

18 Q. And is Truluck's in San Diego?

19 A. Yes.

20 Q. Does John Chambers know Richard Ochetal?

21 A. Yes.

22 Q. To your knowledge, is he friends with Richard Ochetal?

23 A. Not to my knowledge.

24 Q. To your knowledge, did he get Richard Ochetal anything for
25 his wedding?

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Villanueva - Direct

1 A. Not to my knowledge.

2 Q. Did you go to the restaurant?

3 A. Yes.

4 Q. Who went?

5 A. My wife and I.

6 Q. Now, showing you Government Exhibit 457, what's this?

7 A. This is an email from John to me.

8 Q. So, what's attached?

9 A. Gift card to what I stated earlier. It's a custom shop
10 that you're traveling, they do custom-made shirts.

11 Q. And how much is it for?

12 A. 500.

13 Q. Going back to the first page, in the first line of the
14 email where he says, "As promised, Dave," what was that
15 referring to?

16 A. He had told me in the past that this store was going to
17 come around to Roosevelt Field mall, and he was going to give
18 me a gift card for it.

19 Q. Did he say why?

20 A. No.

21 Q. When he says, "BTW, any luck with Jimenez," who is Jimenez?

22 A. That was a -- one of his clients.

23 Q. And he says, "or our hair salon guy"; who is the hair salon
24 guy?

25 A. That was an individual that John Chambers was trying to get

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Villanueva - Direct

1 a pistol license for in Nassau County, owned a bunch of hair
2 salon place, and he's willing to pay big bucks to get a
3 license.

4 Q. Did you use this gift card?

5 A. No, I did not.

6 Q. And showing you Government Exhibit 458, what's Government
7 Exhibit 458?

8 A. It's an email. It says second attempt.

9 Q. What's attached to it?

10 A. The gift card again.

11 Q. Why -- do you know why he sent you a second attempt?

12 A. I had told him the first one I had not received it.

13 Q. Why did you tell him that?

14 A. I just told him, he kept calling me, did I receive the gift
15 card, I told him no.

16 Q. Had you received it?

17 A. Yes.

18 Q. Did you ever use the card?

19 A. No.

20 Q. You mentioned receiving a watch from Chambers at one of
21 your birthday outings. Did you ever receive a watch from
22 Chambers on any other occasion?

23 A. Yes.

24 Q. Was the watch given on your birthday before or after the
25 other watch?

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Villanueva - Direct

1 A. I'm sorry.

2 Q. So on one occasion you have a birthday outing and you
3 receive a watch then?

4 A. Correct.

5 Q. Then there's another occasion when you receive a watch not
6 connected to your birthday. Was the other occasion before or
7 after the birthday occasion where you got a watch?

8 A. I still don't get your question.

9 Q. OK. Which was the first watch you got?

10 A. The one for my birthday was the Giorgio Armani.

11 Q. All right. Now directing your attention to the second
12 watch, when did you get the second watch?

13 A. I got it much later, around 2013.

14 Q. What kind of watch was it?

15 A. The second one?

16 Q. Uh-huh.

17 A. It's -- turns out to be a very expensive watch.

18 MR. BROUNSTEIN: Objection. Not responsive, your
19 Honor.

20 THE COURT: Sustained. The last answer is stricken.

21 Q. How much do you know about what kind of watch it is?

22 A. It was a fancy watch.

23 Q. So before he actually gave you the watch, did he talk to
24 you about it?

25 A. Yes.

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Villanueva - Direct

1 Q. What did he say?

2 A. He had a client that was an incident in my section, and I
3 would get the watch if we were able to do the -- give him a
4 favorable outcome for his licensee.

5 Q. Let me step back. You said that he had a client who had an
6 incident in your section. How did you first learn that there
7 was this client with an incident?

8 A. John called me.

9 Q. What did he say this first time that you learned of the
10 client?

11 A. What I learned of the client was that his client did not
12 want to get a revocation, and for -- we could do a cancellation
13 instead.

14 Q. Did he offer the cancellation the very first time that you
15 learned of the case, that you heard of the case?

16 A. He wanted a cancellation for -- as soon as I found the
17 case, cancellation, because it was leaning towards a revocation
18 already.

19 Q. So how did you first learn that the case was leaning
20 towards a revocation?

21 A. Because when John called me in regards to the case, I
22 actually went and looked at the case.

23 Q. When you looked at the case, what did you observe?

24 A. I observed that this individual had multiple domestic
25 violence.

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Villanueva - Direct

1 Q. And what did you conclude?

2 A. With the information that we already had gathered at that
3 time, it was leaning towards a revocation.

4 Q. Did you have a discussion with Chambers about that?

5 A. Yes.

6 Q. What did you say?

7 A. I told John this was leaning towards a revocation. That's
8 when the idea of cancelling instead of revocation came about.

9 Q. Why would a client want a cancellation instead of a
10 revocation?

11 A. Well, as I testified earlier, a revocation is when we find
12 something you've done, something -- enough evidence to
13 permanently remove the firearm. And the cancellation is more
14 that they don't really need the firearms, and they can
15 literally apply whenever they want. A revocation usually takes
16 at least five years before you can reapply.

17 Q. You said you had a phone discussion about this. Did he
18 ever ask for the cancellation in writing?

19 A. Yes.

20 Q. Was that before or after the phone discussion?

21 A. This was after.

22 Q. So if I could show you Government Exhibit 608-5, directing
23 your attention to just the first page, what's this?

24 A. This was the fax cover sheet from, that was accompanied by
25 the letter, with the letter. I'm sorry.

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Villanueva - Direct

1 Q. Turning to the second page, what's this letter?

2 A. This was the letter that John Chambers sent me requesting
3 the licensee to be canceled and the reason why the license
4 should be canceled.

5 Q. What's the name of the client?

6 A. Edward Ticheli.

7 Q. What, if anything, did you know about Edward Ticheli's line
8 of work, by the way?

9 A. Edward Ticheli, he dealt with high-end watches, distributor
10 for high-end watches.

11 Q. And directing your attention to the fax header on the top
12 of it, when did you receive this letter?

13 A. On May 30, 2013.

14 Q. At what time?

15 A. 10:51 a.m.

16 Q. What happened after you got this?

17 A. After I got this, I went straight to Capt. Endall's office,
18 because this was -- this was too much. There was no gray area.
19 This was, like, literally a revocation, so I went to Endall and
20 I showed him the case.

21 Q. Sorry. Are you saying that this is a situation where just
22 cancellation wouldn't be appropriate?

23 A. Correct.

24 MR. BROUNSTEIN: Objection, your Honor. Leading the
25 witness.

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Villanueva - Direct

1 THE COURT: Sustained.

2 Q. Did there ever come a time when Chambers asked for any
3 outcome other than cancellation in this case?

4 A. Yes.

5 Q. When was that?

6 A. It was literally -- it was around the same time frame.

7 Q. So when was that in relation to this fax?

8 A. It was the same day.

9 Q. OK. Before or after you got the fax?

10 A. It was after I got the fax.

11 Q. How did he let you know that he wanted something other than
12 cancellation?

13 A. I was traveling -- I was going home, and John called me.
14 He -- his licensee did not want cancellation. He wanted his
15 license back.

16 Q. So what did Chambers say?

17 A. Come up with an idea of cancelling two of the licenses and
18 giving two back.

19 Q. Did he say which two licenses he wanted back?

20 A. Yes, he did.

21 Q. Which two?

22 A. It would have been his premise residence and his carry
23 business.

24 Q. What would getting the carry business license back enable
25 the licensee to do?

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Villanueva - Direct

1 A. To continue carrying concealed weapon.

2 Q. What, if anything, did Chambers say about why you should
3 authorize this outcome?

4 A. He sent me, told me that there would be a watch in it for
5 me.

6 Q. What did he say about where the watch would come from?

7 A. It would be -- come from Ticheli's collection.

8 Q. And what did he say about what would have to happen for you
9 to get the watch?

10 A. Ticheli would have to get his continuance for his carry
11 business and premise residence.

12 Q. What was your response to Chambers?

13 A. At first, I said it was going to be hard to spin, but I had
14 to run it through Endall.

15 Q. So what did you do?

16 A. I ran it through Endall.

17 Q. How did that conversation unfold?

18 A. I went straight to Endall, and I told him this is what
19 John's looking for. I was willing to do the cancellation, but
20 he wants a two and two. We call it two and two. Two and two
21 means two cancellations, two continues, and his back was, Just
22 make it happen.

23 Q. In general, what was your impression of the relationship
24 between Endall and Chambers?

25 MR. BROUNSTEIN: Objection.

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Villanueva - Direct

1 THE COURT: Overruled.

2 A. They had a very good relationship.

3 Q. To what extent were you able to predict what Endall's
4 response would be to requests from Chambers?

5 MR. BROUNSTEIN: Objection, your Honor.

6 THE COURT: Sustained.

7 Q. About how much experience did you have discussing with
8 Endall requests that Chambers would make during your time as
9 supervisor in the incident section?

10 A. Every time I went in to Endall's office and it dealt with
11 John Chambers, he would either sign the folders direct, but he
12 would never said no.

13 Q. About how common an occurrence would it be for you to
14 consult with Endall about a request that Chambers would make on
15 a case?

16 A. If there was no gray areas, I would consult with Endall.

17 Q. What would you do if there were gray areas?

18 A. If there were gray areas, I would do it myself.

19 Q. When you say do it yourself, what would you do?

20 A. I would show him the amount of suspension or give the
21 license back.

22 Q. You would agree with Chambers's request?

23 A. Correct.

24 Q. So when you discussed this with Endall, in your mind, what
25 did you think an appropriate outcome would have been for the

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Villanueva - Direct

1 case of Edward Ticheli?

2 MR. BROUNSTEIN: Objection.

3 THE COURT: Sustained.

4 Q. By the time you reviewed this folder in 2013, how long had
5 you been an incident sergeant?

6 A. 2013, I had been an incident sergeant nine years.

7 Q. About how many incident final reports had you reviewed
8 during that time period?

9 A. Thousands.

10 Q. And about how many recommendations had you made during that
11 time period?

12 A. Thousands.

13 Q. Based on your experience, having reviewed the file, what
14 was your conclusion at the time as to what the appropriate
15 outcome would have been for Ticheli's incident investigation?

16 A. Revocation.

17 Q. Now, showing you Government Exhibit 307, what's Government
18 Exhibit 307?

19 A. This is an email that John Chambers sent me.

20 Q. When did he send it?

21 A. On 5/30 of 2013 at 5:40 p.m.

22 Q. When the subject line says, "Here's a link to the Paul
23 Picot watch," what did you understand him to be referring to?

24 A. This was from the watch that we had spoken about earlier in
25 the day.

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Villanueva - Direct

1 Q. And where Chambers wrote, "I should have it in hand
2 tomorrow," what did you understand him to mean?

3 A. That he was going to pick it up and have it ready.

4 Q. Now, what did you do with Mr. Ticheli's incident
5 investigation?

6 A. Ultimately, what the final outcome was, I did exactly what
7 John Chambers wanted. I canceled two of the licenses --
8 actually, one license, one permit, and I continued the premise
9 residence and the carry business.

10 Q. Did Chambers ever, in fact, give you the watch that he had
11 discussed?

12 A. Yes.

13 Q. Showing you Government Exhibit 101, what is this?

14 A. This is the box of the watch that John brought me to my
15 desk.

16 Q. How was it packaged when he brought it to you? You can
17 open it.

18 A. I can open it?

19 It was -- he had it in a bag.

20 Q. When you first got it, was it open or closed?

21 A. It was closed.

22 Q. When was the first time, if ever -- did you ever open the
23 box?

24 A. When I got home.

25 Q. What was your reaction when you opened the box?

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Villanueva - Direct

1 A. As soon as I saw it, I cannot wear the watch.

2 Q. Why was that your reaction?

3 A. Because as soon as I saw it, I knew that the reason I got
4 it was for something that I did that was --

5 MR. BROUNSTEIN: Objection, your Honor.

6 THE COURT: Sustained.

7 MR. BROUNSTEIN: Strike the answer.

8 THE COURT: The witness's last answer is stricken.

9 BY MR. MONTELEONI:

10 Q. Directing your attention to the tags on the watch, how did
11 those tags get there; do you know?

12 A. They were originally there.

13 Q. What did you do with the watch?

14 A. I put it in the garage.

15 Q. Did you ever wear the watch?

16 A. No.

17 Q. Showing you Government Exhibit 608-1, what type of document
18 is this?

19 A. This is the final report that the investigator types up
20 once he or she has concluded their investigation.

21 Q. And who does this report relate to?

22 A. This is for Edward Ticheli.

23 Q. When does it say that the incident investigation started?

24 A. It was assigned on 4/12 of '13.

25 Q. What does this report say that the incidents were?

I4hWcha7

Villanueva - Direct

1 MR. MONTELEONI: You can go to the fourth page.

2 A. This is the reason that it was recommended for revocation.

3 Q. OK. What would the revocation mean for the licensee?

4 A. All his permits and pistol licenses will be taken away from
5 him.

6 Q. And you said before that your conclusion's that revocation
7 would have been an appropriate disposition. How close a call
8 was that?

9 MR. BROUNSTEIN: Objection.

10 THE COURT: Overruled.

11 A. With all the information that I gathered, very easy case to
12 say he's revocation. There was no gray area with this case.

13 Q. Now, on the last page, under case supervisor's comments and
14 recommendations, whose signature is that?

15 A. On the case comments, that is my signature.

16 Q. All right. And what does the handwriting say right under
17 your signature?

18 A. I put C-A-N-C, which is short for cancel. PB, cancel the
19 premise business license. RS, which is the rifle/shotgun
20 permits.

21 Q. What does it say next to that?

22 A. And followed by C-O-N-T, which is short for continuance.
23 PR, continues his premise residence license, and CB, carry
24 business license I continued.

25 Q. And so what does this recommendation mean in total?

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Villanueva - Direct

1 A. That Mr. Ticheli will have his carry business back.

2 Q. Now, on the signature page, there's a signature under
3 yours. Whose is that?

4 A. This was Capt. Endall's.

5 Q. What was his position in the license division at the time?

6 A. He was the executive officer.

7 Q. And what was his decision?

8 A. Same as mine, cancel the premise business and rifle/shotgun
9 and continue the premise residence and carry business.

10 Q. Returning back to your recommendation, did you write --
11 sorry. When did you write that Ticheli's premise residence and
12 carry business should be continued?

13 A. On July 13 of 2013.

14 Q. Showing you Government Exhibit 203, at page 509, could you
15 please read the third text down and indicate who sent it?

16 A. On 7/15, 2013, text from John Chambers: "Morning, Dave.
17 Will text you later when I'm bringing the tix for this
18 Saturday's game down to you or sending them to your house.
19 Still same address, right?"

20 Q. What's the next text that you send?

21 A. The one that I sent was: "Yes, still same address, and
22 just officially closed your client's 'the watch guy' case."

23 Q. When did you send that?

24 A. On 7/15 of 2013.

25 Q. How does that compare to the date of your signature on

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Villanueva - Direct

1 Government Exhibit 608-1?

2 A. Same day.

3 Q. What were you referring to when you said this?

4 A. Mr. Ticheli's license.

5 THE COURT: Mr. Monteleoni, is this an appropriate
6 place to suspend for evening?

7 MR. MONTELEONI: Absolutely, your Honor.

8 THE COURT: Members of the jury, we're going to
9 suspend now until tomorrow morning. We'll resume promptly at
10 9:30. If you're here a little early, we'll start a little
11 early. Once again, tomorrow we'll put in a full day, from 9:30
12 until 5:00, with an hour for lunch and a short, midmorning and
13 midafternoon recess.

14 In the meantime, keep an open mind. Come to no
15 conclusions. Don't discuss the case among yourselves or with
16 any of those inquiring minds at home. Have a great evening and
17 a safe trip home.

18 Please recess the jury.

19 (Jury not present)

20 THE COURT: Mr. Villanueva, you may step down. You're
21 excused until tomorrow morning, sir.

22 THE WITNESS: Thank you.

23 (Witness not present)

24 THE COURT: All right. Everyone may be seated.

25 Can the government give me some indication of where

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1 you are in the progress of the case.

2 MR. MONTELEONI: Yes, your Honor.

3 I think that we have probably a little more than two
4 more hours of direct testimony from Mr. Villanueva, and then we
5 only have two more witnesses, who we expect to be somewhat
6 briefer. I think that it's going to ultimately depend largely
7 on the amount of cross-examination that the defendant wishes to
8 do.

9 THE COURT: All right. Mr. Stavis or Mr. Brownstein.

10 MR. BROUNSTEIN: Yes, your Honor.

11 THE COURT: What lies ahead from the defense?

12 MR. BROUNSTEIN: Your Honor, obviously I'll be
13 cross-examining Mr. Villanueva. I really can't predict how
14 long it will take; it's kind of organic. And then we do
15 anticipate a defense case, your Honor.

16 THE COURT: All right. But is it possible, then, that
17 we may conclude the taking of evidence sometime on Thursday
18 morning?

19 MR. BROUNSTEIN: It's possible, Judge. I don't know
20 how likely it is.

21 MR. STAVIS: I don't think so.

22 MR. BROUNSTEIN: You don't think so?

23 MR. STAVIS: No.

24 MR. BROUNSTEIN: Judge, we do anticipate, your Honor,
25 that Mr. Chambers will be testifying. We think that that will

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1 probably take a while, so the likelihood of conclusion on
2 Thursday is not high, but I do think it's possible, Judge.

3 THE COURT: All right. Just looking ahead and trying
4 to make plans, obviously, the defense is under no obligation to
5 offer any case. You've announced that you are going to have a
6 case, and now you're telling me that Mr. Chambers is going to
7 take the stand.

8 MR. BROUNSTEIN: We anticipate that, sir.

9 THE COURT: Of course, that's always subject to change
10 and reconsideration, because a trial's a dynamic event.

11 Are there any issues that counsel want to raise or
12 alert the Court to now before we recess for the evening?

13 MR. ROSSMILLER: Just very briefly, your Honor.

14 With respect to the jury charge, this will depend on
15 the timing of the conclusion of testimony, of course. Given
16 the relative lack of recent jury charges with these crimes, it
17 would be helpful, I think, to the parties to have a little bit
18 of time with a draft charge, if that's possible, not to rush
19 the Court.

20 THE COURT: Right. I'm working on it. I will see
21 what I can do to get you a draft charge at some point tomorrow.

22 MR. STAVIS: Don't you have lifetime tenure, your
23 Honor?

24 THE COURT: It's not enough. All right?

25 MR. ROSSMILLER: Thank you to the Court and the

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1 hardworking clerks. We appreciate it.

2 THE COURT: All right. Anything further?

3 MR. ROSSMILLER: Not from the government, your Honor.

4 MR. BROUNSTEIN: Not from the defense.

5 THE COURT: All right. I have another matter on, so
6 if you can clear from the well of the courtroom, I think
7 everyone would appreciate it.

8 See you tomorrow morning. Be here at 9:00.

9 (Adjourned to April 18, 2018, at 9:00 a.m.)

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